



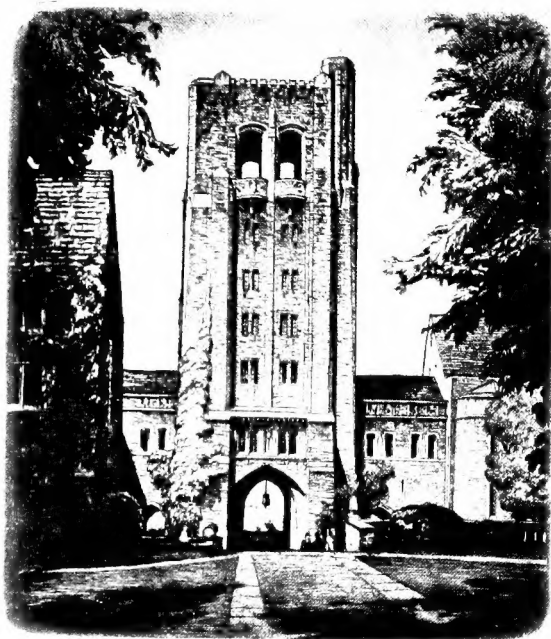
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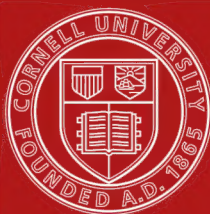


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## RECOMMENDATIONS.

*From Lieut. General WINFIELD SCOTT, U. S. A.*

MR. J. F. CALLAN, long known to me, and for years Clerk of the Senate's Military Committee, consulted me in advance as to his proposed publication of a new edition of the Military Laws of the United States, brought down to this date, (1858).

Such a work appears very desirable, and Mr. Callan is highly qualified to undertake it. The plan which he has adopted, under careful advisement, is judicious and complete, and will, I doubt not, prove to have been executed with judgment and exactness.

WINFIELD SCOTT.

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*From Brevet Major-Gen. THOS. S. JESUP, Qr. Mr. Gen. U. S. A.*

An edition of the Military Laws, which should include the legislation of Congress in relation to the Army and the Militia, down to the present period, would be a valuable acquisition to the library of every officer in either service. I first suggested such a work, and the late Col. Cross, under the authority of Mr. the late Secretary Calhoun, prepared it,—he compiled some years after a second edition; and the late Captain Hetzel published a third. Nearly twelve years have elapsed since the last edition was prepared, and another is now desirable, if not absolutely necessary. From the specimen I have seen of Mr. Callan's work, I am sure it will be just what is now wanted.

THOS. S. JESUP.

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*From Colonel S. COOPER, Adjutant General U. S. Army.*

I have examined as far as page 96, the compilation and arrangement of Military Laws, by Mr. J. F. Callan, and am of opinion that when compiled upon the plan thus far pursued, it will be found to be a work of easy reference, and a desideratum to Military men and others who may have occasion to refer to its pages.

S. COOPER.

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*From Hon. JEFFERSON DAVIS, ex-Sec. of War, and Ch'n Mil. Com. U.S.S.*

A recompilation of the Military Laws is certainly needed for the public service, and as far as I have examined it, the execution of this work by Mr. J. F. Callan, seems to me to have been very ably performed.

JEFFERSON DAVIS.

As members of the Senate Military Committee we concur in the above:

BENJAMIN FITZPATRICK, *of Alabama.*

A. IVERSON, *of Georgia.*

HENRY WILSON, *of Massachusetts.*

PRESTON KING, *of New York.*

D. C. BRODERICK, *of California.*

R. W. JOHNSON, *of Arkansas.*

*From General JAMES SHIELDS, Senator from Minnesota.*

I have examined Mr. Callan's publication of the Military Laws of the United States and highly approve of the plan and arrangement. The notes, references and remarks are the result of careful study and an intimate acquaintance with the subject. They render the work, what has been much needed, A CORRECT, COMPLETE and RELIABLE COMPILATION of the Military Laws of the country. Mr. Callan's experience eminently qualified him for the skillful performance of such a task, and he has performed it in a manner to reflect credit upon himself and prove useful and advantageous to the public.

JAMES SHIELDS.

---

*From His Excellency, JOHN B. WELLER, Gov'r of California.*

MR. CALLAN:—I highly approve of your plan of publication of the Military Laws. I would have been saved much trouble and research if I could have had such a book when I was Chairman of the Senate Military Committee. It will be found very useful to all who execute these laws or take an interest in them.

JOHN B. WELLER.

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*From Gen. J. A. QUITMAN, Chm'n Military Com. H. of Reps.*

I know no person better qualified to prepare and arrange a correct compilation of the Military Laws of the United States, than Mr. J. F. Callan. I have examined also specimen of the plan and arrangement of the proposed work, and think them admirably calculated to produce the objects of such compilation, correctness and convenience of reference. I do not doubt that this work will be found eminently useful to all who may have occasion to have reference to the Military Laws of the country.

J. A. QUITMAN.

---

*From Lt. Col. GEO. W. LAY, Aid-de-Camp to Com'g Gen. U. S. A.*

SIR: Few officers of the Army have not had occasion to feel the want of a compilation such as you propose to publish, varying in its plan from any heretofore attempted. We need a reliable work, which though full, shall be portable, and which shall be so carefully and completely arranged as to indicate the history and authoritative construction of particular statutes. I have therefore discussed your plans and examined your specimens with scrutinizing interest, and am entirely satisfied with the result. Your work is as convenient for reference as it is complete in substance; and I am confident it will prove to have been executed not only with judgment, but with the utmost fidelity.

I am, sir, very respectfully, your ob't serv't,

J. F. CALLAN, Esq.

GEO. W. LAY.

*From Col. W. HICKEY, Col. Volunteers 1st Reg. 3 Brig. M. D. C.*

J. F. CALLAN's compilation of Military Laws, embracing all those which relate to the Army, Marine Corps, Volunteers, Militia, &c., with intelligible references to the legislation of Congress thereupon, and exhibiting not only the existing laws, but also a synopsis of those repealed or replaced, cannot fail to be useful to all connected with any of the branches of our Military Establishment, and must be interesting to those who desire to know the laws of the United States, providing for the national defence; and from an examination of some of its contents, I am satisfied it will be more full and complete than the former compilations of the Military Statutes.

W. HICKEY.

*From Hon. J. MADISON CUTTS, 2d Comptroller U. S. Treasury.*

SIR: I have no hesitation in according my earnest commendation to your labors in compiling the "Military Laws of the United States" now in press. So far as all Officers of the government, Civil and Military, are connected with the Military establishment, the work must be of great public usefulness, and of desirable information to the country at large.

Very respectfully, your obedient servant,

J. F. CALLAN, Esq.

J. MADISON CUTTS.

*From Hon. R. J. ATKINSON, 3d Auditor U. S. Treasury.*

I concur with the foregoing testimonials in behalf of the plan proposed by Mr. Callan for a compilation of the Military Laws of the United States.

Such a publication would be eminently useful, not only to those connected with the Executive and Legislative Departments of the Government, but all connected with the military service, as well as citizens and others whose professions, or interests, make it necessary for them to have convenient references to the laws relating to the Army, Marine Corps, Volunteers, Militia, &c.

ROBT J. ATKINSON.

We concur in the foregoing recommendations of Mr. Callan's compilation of the Military Laws of the United States:

JOHN C. BRECKENRIDGE, *Vice-President U. S.*

S. A. DOUGLAS, *of Illinois.*

H. M. RICE, *of Minnesota.*

GEO. W. JONES, *Chairman Senate Com. on Pensions.*

S. COLE, *Acting Commissioner of Pensions.*





# Military Laws

OF THE

United States.



THE  
MILITARY LAWS  
OF THE  
*United States,*

RELATING TO THE  
ARMY, MARINE CORPS, VOLUNTEERS, MILITIA,  
AND TO BOUNTY LANDS AND PENSIONS,

*From the Foundation of the Government to the Year 1858.*

BY JOHN F. CALLAN,  
CLERK TO MILITARY COMMITTEE, UNITED STATES SENATE.

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BALTIMORE:  
PUBLISHED BY JOHN MURPHY & CO.  
1858.

LA 2873

ENTERED, according to the Act of Congress, in the year 1858, by  
JOHN MURPHY & Co., in the Clerk's Office of the District Court  
of the United States for the District of Maryland.



## P R E F A C E .

THE editions of the "MILITARY LAWS" heretofore published by Col. Cross, and Capt. Heitzel, of the United States Army, were found very convenient for reference. Nearly twelve years having elapsed since the last of these editions was issued, there existed a great necessity for a new compilation, which would correct some errors and omissions of the former publications, and include all the Military enactments from 1846 to the present date.

This compilation has been undertaken at the earnest solicitation of several officers of the Government, and others, who have felt the want of such a work as might be relied upon for correctness. It contains all the laws relating to the Army, Marine Corps, Volunteers, Militia, Bounty Lands and Pensions, passed since the foundation of the government. The existing laws are published in full, with head notes instead of marginals; such as are out of existence from any cause, are inserted only by their titles, with synopses of what they contained. All the chapters are numbered to correspond with those of Little & Brown's edition of the Statutes at Large—the date of approval placed at the head of each act, is repeated at the foot when the matter extends beyond the page upon which it commenced, and every act refers to the volume and page of the Statutes, where it may also be found—and no other code is referred to. The running heads indicate the contents of each page; and the foot notes, and references, with the decisions of the Supreme Court given in several cases, *form a complete history of the Military legislation of the country.*

The compiler returns his thanks to the several military and other officers who kindly aided him in the preparation of this work; and he hopes it will be found to be as perfect and complete as it was his ambition to make it.

WASHINGTON, *April*, 1858.



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Page 235.—Res. 5.—Vol. 5, p. 247, should be vol. 3, p. 247.

“ 301.—Chap. 67. Year of approval should be 1832, instead of 1830.

“ 359.—Chap. 17 repealed by 2d sec. of act 14 Aug. 1848, chap. 173.

# CONSTITUTION OF THE UNITED STATES.

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WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

### SECTION 1.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and



excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

### SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-third of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

#### SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he ap-

prove he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.:

7. To establish post offices and post roads :

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

9. To constitute tribunals inferior to the supreme court : to define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

11. To raise and support armies ; but no appropriation of money to that use, shall be for a longer term than two years :

12. To provide and maintain a navy :

13. To make rules for the government and regulation of the land and naval forces :

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings :—and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all

other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

## SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another : nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law : and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

## SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make any thing but gold and silver

coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

### SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate.

The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the Vice-President.]\*

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident of the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accord-

\*This clause superseded—See Amendments, art. 12.



ingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

## SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States : he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur : and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the senate, by grant-

ing commissions which shall expire at the end of their next session.

### SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

### SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

### SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

### SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and

maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.\*

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

### SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe

\* See amendments, art. 11.

the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

## SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party to whom such service or labor may be due.

## SECTION 3.

1. New states may be admitted by the Congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

## SECTION 4.

1. The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution ; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state without its consent, shall be deprived of its equal suffrage, in the senate.

## ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof ; and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land ; and the judges in every state shall be bound thereby ; anything in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution : but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,  
*President, and Deputy from Virginia.*

## NEW HAMPSHIRE.

John Langdon,  
Nicholas Gilman.

## MASSACHUSETTS.

Nathaniel Gorham,  
Rufus King.

## CONNECTICUT.

Wm. Samuel Johnson,  
Roger Sherman.

## NEW YORK.

Alexander Hamilton.

## NEW JERSEY.

William Livingston,  
David Brearly,  
William Patterson,  
Jonathan Dayton.

## PENNSYLVANIA.

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimons,  
Jared Ingersoll,  
James Wilson,  
Gouverneur Morris.

Attest,

## DELAWARE.

George Read,  
Gunning Bedford, jun.  
John Dickinson,  
Richard Bassett,  
Jacob Broom.

## MARYLAND.

James M'Henry,  
Daniel of St. Thomas Jenifer,  
Daniel Carroll.

## VIRGINIA.

John Blair,  
James Madison, jun.

## NORTH CAROLINA.

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

## SOUTH CAROLINA.

John Rutledge,  
Charles Cotesworth Pinckney,  
Charles Pinckney,  
Pierce Butler.

## GEORGIA.

William Few,  
Abraham Baldwin.

WILLIAM JACKSON, *Secretary.*

## AMENDMENTS TO THE CONSTITUTION.

## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.\*

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of

\*It is not perceived, that the "manner" of quartering soldiers in time of war, without the consent of the owners of houses, has yet been prescribed by law.

war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law ; nor shall private property be taken for public use without just compensation.

#### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.



## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

## ARTICLE XII.\*

1. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the house of representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth

\* See article 2, section 1, clause 3.

day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

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## RULES AND ARTICLES OF WAR.\*

IN CONGRESS—*September 20, 1776.*

*Resolved*, That from and after the publication of the following articles, in the respective armies of the United States, the rules and articles by which the said armies have heretofore been governed, shall be, and they are, hereby repealed.

### SECTION I.

ARTICLE 1. All officers retained, shall subscribe these rules and regulations.

ART. 2. Divine service—deportment at, and penalty for misbehavior.

ART. 3. Profane swearing—penalty therefor.

ART. 4. Chaplain—penalty for undue absence.

\* These rules and articles with their supplements, were adopted for the army of the United States, under the Constitution, and remained in force till 1806, when they were repealed and supplied.

## SECTION II.

ART. 1. Traitorous or disrespectful words against Congress or State Legislatures.

ART. 2. Contempt or disrespect towards the general-in-chief.

ART. 3. Mutiny—penalty therefor.

ART. 4. Suppression of mutiny—penalty for omitting utmost endeavors.

ART. 5. Resistance to military superiors, disobedience of lawful commands.

## SECTION III.

ART. 1. Articles of war to be read, and oath administered to recruits on enlistment. Oath.

ART. 2. Discharge of non-commissioned officers and soldiers.

## SECTION IV.

ART. 1. Musters.

ART. 2. Furloughs to non-commissioned officers and soldiers, limitation of, and by whom granted.

ART. 3. Absentees at muster, certificates in relation to.

ART. 4. False certificate, penalty for.

ART. 5. False musters, penalty therefor.

ART. 6. Commissary of musters receiving money by way of gratification, to be removed.

ART. 7. Musters of persons not soldiers, regarded as false musters.

## SECTION V.

ART. 1. False returns, penalty.

ART. 2. Monthly returns to be remitted to Congress and the commander-in-chief, penalty for failure.

## SECTION VI.

ART. 1. Desertion, penalty of.

ART. 2. Absence without leave, to be punished.

ART. 3. Re-enlisting before discharge deemed desertion, penalty for entertaining deserters.

ART. 4. Advising desertion, penalty for.

## SECTION VII.

ART. 1. Reproachful or provoking speeches, &c., prohibited.

ART. 2. Duelling—challenges to fight prohibited.

ART. 3. Commanders of guards suffering persons to go forth to fight duels, to be punished as challengers.

ART. 4. Quelling frays and quarrels.

ART. 5. Officer or soldier upbraiding another for refusing a challenge to be punished as a challenger.

### SECTION VIII.

ART. 1. Sutlers, when they shall close their shops.

ART. 2. Introduction of provisions, &c., into garrison or forts.\*

ART. 3. Sutlers to supply good and wholesome provisions at the market price.

ART. 4. Commanding officers not to exact exorbitant rent for houses, &c., let to sutlers nor to be interested in the sale of supplies, nor to lay any duty thereon for their private advantage.

### SECTION IX.

ART. 1. Commanding officers to keep good order in quarters, &c., and redress abuses to the utmost of their power.

### SECTION X.

ART. 1. Officers and soldiers accused of capital crimes, or offences against citizens, to be delivered up to the civil magistrates, upon application duly made.

ART. 2. No person to be protected from his creditors on pretence of being a soldier.†

### SECTION XI.

ART. 1. Redress of grievances of commissioned officers.‡

ART. 2. Redress of grievances of inferior officers and soldiers.

\* Repealed and supplied by resolution of 14th April, 1777.

† TUESDAY, DECEMBER 26, 1775.

Whereas there is reason to believe, that divers persons, either from inattention to the public good, or with design to retard the recruiting service, have arrested and imprisoned, for very trifling debts, many soldiers, who had engaged to risk their lives in defence of the liberties of America; and, as it has always been found necessary, in time of war, to regulate and restrain a practice of such pernicious tendency, and in such cases, to abate the rigor of the law:

*Resolved, therefore,* That it be recommended to the several legislatures in these colonies, whether assemblies or conventions, to pass acts or ordinances, prohibiting the arrests of continental soldiers for small debts; and in order that the same rule may pervade all the colonies, that no soldier be arrested at the suit of any of his creditors, unless the said creditor make oath, that the said soldier is justly indebted to him in the sum of thirty-five dollars over and above all discounts; and that the estate of no such soldier be liable to attachment at the suit of, or for the benefit of all his creditors, unless their debts in the whole, on being ascertained by their oaths, shall amount to more than one hundred and fifty dollars.

‡ Repealed and supplied by resolution of 14th April, 1777.

## SECTION XII.

ART. 1. Embezzlement, waste, and misapplication of military stores by officers.

ART. 2. Waste and sale of ammunition by non-commissioned officers and soldiers.

ART. 3. Loss and sale of horses and military equipments.

ART. 4. Embezzlement and misapplication of public money.

ART. 5. Captains charged with the supplies for their companies.

## SECTION XIII.

ART. 1. Absence from camp without leave, punished.

ART. 2. Lying out of quarters, &c., without leave.

ART. 3. Retiring to quarters at retreat beat.

ART. 4. Absence from parade.

ART. 5. Drunkenness on guard or other duty.

ART. 6. Sentinels sleeping on post.

ART. 7. Hiring of duty.

ART. 8. Conniving at the hiring of duty.

ART. 9. False alarms punished.

ART. 10. Quitting the ranks punished.

ART. 11. Violence to traders not allowed.

ART. 12. Cowardice punished by death.

ART. 13. Misbehavior before the enemy—pillaging after victory.

ART. 14. Casting away arms, &c.

ART. 15. Imparting watch-word to persons not entitled to receive it.

ART. 16. Officers and soldiers to behave orderly in quarters and on marches—not to commit waste or spoil unless by order of the commander-in-chief.

ART. 17. Forcing safe guards.

ART. 18. Relieving the enemy.

ART. 19. Holding correspondence with the enemy.

ART. 20. Public stores captured from the enemy.

ART. 21. Leaving post or colors in search of plunder.

ART. 22. Posts forcibly surrendered by their garrisons.

ART. 23. Sutlers and retainers subject to orders.

ART. 24. Brevets and former commissions—when to take effect.

ART. 25. Troops joining on marches, guards or in quarters—eldest officer shall command the whole and give out orders for what is needful to the service.

ART. 26. Troops marching or encamped together; eldest officer without respect to corps shall command the whole.

## SECTION XIV.\*

ART. 1. General courts-martial not to consist of less than thirteen commissioned officers.

\* This section, and such articles as relate to the holding of courts-martial and confirmation of sentences, were repealed and supplied by resolutions of the 31st of May, 1786.

ART. 2. Members to take rank according to the composition of the court.

ART. 3. Judge advocate general to prosecute in the name of the United States. Oaths of members. Oath of judge advocate.

ART. 4. Behavior of members, and mode of voting.

ART. 5. Witnesses to be examined on oath—two-thirds of the members necessary to a sentence of death.

ART. 6. Witnesses refusing to give evidence, punishable. Oath of witnesses.

ART. 7. Field officers—trial of—hours of proceeding.

ART. 8. Sentences of general courts-martial.\*

ART. 9. Disputes between individuals of different corps.

ART. 10. Regimental courts-martial—powers.

ART. 11. Organization of regimental courts-martial.

ART. 12. Garrison or detachment courts-martial.

ART. 13. Dismissal of commissioned officers.

ART. 14. Conduct in presence of courts-martial, &c.

ART. 15. Offenders to be arrested and confined.

ART. 16. Limitation of arrest and confinement.

ART. 17. Refusal to receive prisoners.

ART. 18. Release and escape of prisoners.

ART. 19. Provost martial to make daily reports of prisoners confined.

ART. 20. Breach of arrest.

ART. 21. Conduct unbecoming an officer and gentleman.

ART. 22. Officers cashiered for cowardice or fraud—sentence to be published in newspapers, in and about the camp, and of the state from which the offender came.

## SECTION XV.

ART. 1. Effects of commissioned officers who die or are killed in service.

ART. 2. Effects of non-commissioned officers and soldiers who shall happen to die or be killed in service.

## SECTION XVI.

ART. 1. Artillery subject to rules and articles of war.

ART. 2. Artillery courts-martial.

## SECTION XVII.

ART. 1. Militia, &c., when in continental pay, subject to these rules and articles of war.

ART. 2. Officers of the regular forces of the United States, take rank of those of like grades serving by state authority, without regard to dates.

\* Repealed and supplied by resolution of 14th April, 1777.

## SECTION XVIII.

ART. 1. Those articles to be read once in two months.

ART. 2. Mitigation of punishment.\*

ART. 3. Sentence of death—limitation of corporeal punishment—original proceedings of courts-martial to be filed in war office.

ART. 4. Fines to be collected and applied to relief of the sick.

ART. 5. Crimes not capital, &c., punishable at discretion of courts-martial.

IN CONGRESS.—*April 14, 1777.*

*Resolved*, That from and after the publication hereof, the 2d article of the 8th section, the 1st article of the 11th section, the 8th article of the 14th section, and the 2nd article of the 18th section, of the rules and articles for the better government of the troops raised, or to be raised, and kept in pay by, and at the expense of, the United States of America, passed in Congress the 20th day of September, 1776, shall be, and they are hereby, repealed; and that the four following articles be substituted in the place and stead thereof.

ART. 1. All officers and soldiers at liberty to bring provisions into forts or garrisons except when contracted for by Congress.

ART. 2. Officers wronged by their colonel and refused redress may complain to the general commanding who shall take measures to redress the wrong, and report the case to Congress.

ART. 3. Sentences of general courts-martial to be reported to Congress or commander-in-chief for orders before execution.†

ART. 4. Continental generals may appoint general courts-martial and pardon or mitigate all punishments authorized, except sentence of death, which they shall suspend and report with proceedings to the Congress.†

IN CONGRESS—*May 27, 1777.*

The general or commander-in-chief may pardon or mitigate any of the punishments authorized to be inflicted by the rules and articles of war.

IN CONGRESS—*June 14, 1777.*

*Resolved*, That the flag of the thirteen United States, be thirteen stripes, alternate red and white: that the union be

\* Repealed and supplied by resolution of 14th April, 1777.

† Modified by resolutions of 27th May, and 18th June, 1777.

thirteen stars, white in a blue field, representing a new constellation.\*

IN CONGRESS—*June 18, 1777.*

*Resolved*, That a general officer commanding a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by general courts-martial, without being obliged to report the matter to Congress or the commander-in-chief.

IN CONGRESS—*April 12, 1785.*

*Resolved*, That the non-commissioned officers and privates to be raised by the resolution of the seventh day of the present month, April, be furnished by the states hereinafter mentioned, in the following proportions :

Connecticut,	. . . . .	165
New York,	. . . . .	165
New Jersey,	. . . . .	110
Pennsylvania,	. . . . .	260—700

Commissioned officers to be furnished by the states named.

Pay of officers, non-commissioned officers, and soldiers. †

Troops to be organized into one regiment, consisting of eight companies of infantry, and two of artillery.

When embodied, shall be subject to the rules and articles of war.

Clothing.

Rations.

IN CONGRESS—*May 31, 1786.*

WHEREAS crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service :

*Resolved*, That the 14th section of the rules and articles for the better government of the troops of the United States,

\* Altered by act of 13th January, 1794.

† The provisions of this resolution in regard to pay, were adopted by a resolution of the 3d of October, 1787, and again by an act of Congress of 29th September, 1789. Repealed and supplied by act of 30th April, 1790.



and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

*Resolved*, That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

#### ADMINISTRATION OF JUSTICE.

ART. 1. General courts-martial may consist of any number of commissioned officers from five to thirteen.

ART. 2. General courts-martial shall be ordered as often as the cases may require, by the general, or officer commanding the troops. Sentences not to be executed until after the proceedings shall have been laid before him; nor then, in time of peace, if they extend to loss of life, or dismissal of commissioned officers; nor in time of peace or war, if they respect general officers, until laid before Congress for their orders.

ART. 3. Officers commanding regiments or corps may appoint regimental courts-martial and decide upon their sentences.

ART. 4. Regimental or garrison courts-martial not to try capital cases, nor commissioned officers; nor inflict a fine exceeding a month's pay, nor imprison or put to hard labor for more than one month.

ART. 5. Members of all courts-martial, take rank according to the composition of the courts.

ART. 6. Judge-advocate shall prosecute in the name of the United States, but after the plea of the prisoner, shall shield him from self-accrimination by any question to himself or leading questions to witnesses. Oaths of members. Oath of judge-advocate.

ART. 7. Members to behave with decency, and in voting begin with the youngest in commission.

ART. 8. Witnesses shall be examined on oath—sentence of death requires concurrence of two-thirds of the members.

ART. 9. Oath of a witness.

ART. 10. On trials not capital, depositions of witnesses not of the army may be taken and read in evidence.

ART. 11. Officers not to be tried but by general courts-martial, nor by inferior grades if it can be avoided—hours of proceeding.

ART. 12. Conduct in presence of court-martial.

ART. 13. Dismissal of officers, and discharge of non-commissioned officers and soldiers.

ART. 14. Arrest and confinement of officers—breach of arrest.

ART. 15. Imprisonment of soldiers.

ART. 16. Limitations of arrest and confinement.

ART. 17. Refusal to receive prisoners.

ART. 18. Release and escape of prisoners.

ART. 19. Prisoners to be reported daily.

ART. 20. Scandalous behavior.

ART. 21. Suspension.

ART. 22. Officers cashiered for cowardice—sentence to be published in newspapers, &c.

ART. 23. Commanders of posts shall report the necessity for general courts-martial to commanders of departments, &c.

ART. 24. Sentence of death—limitation of corporeal punishment. Proceedings of general courts-martial to be filed in war office. Party tried entitled to copy on demand.

ART. 25. Courts of inquiry—organization—rules of proceeding, and powers.

ART. 26. Proceedings may be admitted as evidence by courts-martial, &c.—courts of inquiry prohibited unless demanded by the accused.

ART. 27. Oaths of members, judge-advocate and witnesses.

Desertions to be immediately reported to the commanding officer present.

Deserters to be vigorously pursued, advertised in newspapers, and reward of ten dollars offered for the apprehension of each.

IN CONGRESS—*October 3, 1787.*

WHEREAS the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year,

700 troops shall be stationed on the frontiers.

Re-enlistment of those in service.

700 troops shall be raised for three years.

Organization.

Pay and allowances.

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## CHAPTER 7.—Approved August 7, 1789.—Vol. 1, p. 49.

An Act to establish an Executive Department, to be denominated the Department of War.\*

1. Department of war established. Secretary thereof. Duties of the Secretary of War to include naval and military affairs. Secretary subject to the President's instructions.

2. Chief clerk of the department of war. His duties.

3. Oath of office of the Secretary of War and his clerks.

4. Secretary to take charge of papers, &c. of the former war department.

SEC. 1. That there shall be an executive department, to

\* How the Department had been organized in vol. 1, p. 49.

be denominated the department of war; and that there shall be a principal officer therein, to be called the Secretary for the department of War, who shall perform and execute such duties as shall, from time to time, be enjoined on, or entrusted to, him, by the President of the United States, agreeable to the constitution, relative to military commissions, or to the land or naval forces,\* ships, or warlike stores, of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States,† or relative to Indian affairs: and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States, shall, from time to time, order or instruct.

SEC. 2. That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States or in any other case of vacancy, shall during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department.

SEC. 3. That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation *well and faithfully to execute the trust committed to him.*

SEC. 4. That the secretary for the department of war, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers, in the office of secretary for the department of war, heretofore established by the United States in Congress assembled.

[*Approved, August 7, 1789.*]

\* Conferred on Secretary of Navy, 30th April, 1798.

† Now transferred to Interior Department.

CHAPTER 25.—Approved September 29, 1789.—Vol. 1, p. 95.

An Act to recognise and adapt to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned.\*

SEC. 1. Establishment of 3d Oct. 1787, recognized, &c.

SEC. 2. Pay and allowances of troops recognized.

SEC. 3. Officers and privates to take oaths. Forms of the oaths.

SEC. 4. Troops to be governed by established rules and articles of war, &c.

SEC. 5. President may call out militia to protect against Indians, &c. Pay, &c., of militia in service.

SEC. 6. Limitation of this act.

CHAPTER 10.—Approved April 30, 1790.—Vol. 1, p. 119.

An Act for regulating the Military Establishment of the United States.†

SEC. 1. 1,216 non-commissioned officers, privates, &c. for 3 years.

SEC. 2. Height and age. 5 feet 6 inches.

SEC. 3. One regiment of infantry, and a battalion of artillery. Composition of the regiment of infantry. Composition of the battalion of artillery. Proviso: as to appointments from the line.

SEC. 4. Inspectors: their duty, &c.

SEC. 5. Pay of the troops. Proviso: as to deductions for clothing and hospital stores.

SEC. 6. Additional pay of subalterns acting as adjutants, &c.

SEC. 7. Rations of commissioned officers. Money for rations.

SEC. 8. Money instead of forage.

SEC. 9. Uniform clothing for non-commissioned officers, privates, &c.

SEC. 10. Rations for non-commissioned officers, privates, &c. Or the value thereof.

SEC. 11. Pensions to invalids. Proviso: as to amount of pension. Proviso: as to inferior disabilities.

SEC. 12. Officers, privates, &c. to take an oath. Form of the oath.

SEC. 13. Troops to be governed by the rules and articles of war, &c.

SEC. 14. Act of the 29th Sept. 1789, repealed. Non-commissioned officers and privates, declining to re-enlist, may be discharged, &c. Proviso: the whole number of troops not to exceed 1,216.

SEC. 15. President may call militia, in aid of the regular troops, &c.

\* Repealed by act of 30th of April, 1790, sec. 14.

† Repealed and supplied by act of 3d of March, 1795; which recognized and continued the then existing establishment.

## CHAPTER 28.—Approved 3d March, 1791.—Vol. 1, p. 222.

An Act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers.\*

SEC. 1. An additional regiment of 912 men.

SEC. 2. Organization of the regiment.

SEC. 3. Pay, allowances, regulations, term of service, &c.

SEC. 4. Bounty for enlistment.

SEC. 5. Officers to be appointed at the President's discretion. Aids-de-camp, brigade majors, &c. Proviso: as to term of pay of major and brigadier-generals.

SEC. 6. Pay and allowances: to major-general: to brigadier-general: to quartermaster: to aid-de-camp: to brigade-major: to chaplain.

SEC. 7. President may employ militia, cavalry, &c.

SEC. 8. President may employ levies in addition, or in place of militia, &c. for a term not exceeding six months. In case the regiment authorized cannot be completed in time, the President may supply the deficiency by levies and militia.

SEC. 9. Organization and commissioned officers of levies.

SEC. 10. Militia and levies subject to the rules and articles of war, &c.

SEC. 11. Levies entitled to proportional quantity of clothing, &c.

SEC. 12. 3 dollars bounty to each of the levies.

SEC. 13. President may engage an additional number of surgeon's mates.

SEC. 14. Two dollars allowed for every recruit.

SEC. 15. Appropriation for expenses to be incurred by this act. Not exceeding 312,686 dollars 20 cents. Fund.

SEC. 16. President may borrow the sum appropriated, at an interest not exceeding six per cent. Pledge of fund. And of public faith.

## CHAPTER 7.—Approved February 20, 1792.—Vol. 1, p. 239.

An Act to establish the Post Office and Post Roads within the United States.

SEC. 27. Deputy postmasters and persons employed in transporting the mails exempt from militia duty, or from fines and penalty for neglect thereof.†

\* Repealed and supplied by act of 3d March, 1795.

† Repealed and supplied by 27th sec. act 1794, ch. 24, vol. 1, p. 336, which was repealed and supplied by the acts of 2d March, 1799, vol. 1, 740, April 30, 1810, vol. 2, p. 603, and March 3d, 1835, vol 4, p. 112.

CHAPTER 9.—Approved March 5, 1792.—Vol. 1, p. 241.

An Act for making farther and more effectual provision for the protection of the Frontiers of the United States.\*

SEC. 1. The battalion of artillery, and two regiments of infantry to be completed.

SEC. 2. Three additional regiments to be raised, for three years, &c. Each to consist of 900, &c. One to be organized as mentioned. A squadron of light dragoons, &c. Dragoons to serve dismounted. Organization of the squadron of light dragoons. President may arm dragoons, &c.

SEC. 3. President may organize the troop as he may judge expedient, &c. Three regiments to be discharged on peace with the Indians.

SEC. 4. Term of enlistment three years, unless sooner discharged.

SEC. 5. 8 dollars bounty. The same bounty to those already enlisted.

SEC. 6. Allowance to recruiting officers, &c.

SEC. 7. Monthly pay of the officers and privates.

SEC. 8. Rations for officers and privates, &c.

SEC. 9. Forage to additional regiments.

SEC. 10. Clothing for the infantry as by law established. Clothing to be provided for the cavalry, &c.

SEC. 11. Oaths, regulations and compensations, according to the act mentioned.

SEC. 12. President may forbear to raise, &c. any part, or the whole, of the three regiments, &c.

SEC. 13. President may from time to time, call cavalry into service, &c. Pay of cavalry; finding horses, &c. pay in lieu of rations, &c.

SEC. 14. President alone to appoint commissioned officers; number, rank, pay, &c.

SEC. 15. President may employ Indians, &c. Proviso: compensations to Indians not to exceed 20,000 dollars.

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CHAPTER 14.—Approved March 28, 1792, vol. 1, p. 246.

An Act supplemental to the act for making farther and more effectual provision for the protection of the Frontiers of the United States.†

SEC. 1. The President may appoint four brigadier-generals.

\* Repealed and supplied by act of 3d March, 1795.

† The act of 3d March, 1795, recognized and continued the then existing establishment, without enumerating officers. The provisions of this act appear, therefore, to have been in force till superseded by act of 30th May, 1796.

CHAPTER 28.—Approved May 2, 1792, vol. 1, p. 264.

An Act to provide for calling forth the Militia to execute the Laws of the Union, to suppress insurrections and repel invasions. Repealed 1795, ch. 36, sec. 10.

SEC. 1. In case of invasion or danger of invasion the President may call forth the militia most convenient to the place of danger.

SEC. 2. Opposition to the laws of the United States to be reported to the President who shall call forth the militia.

SEC. 3. Proclamation to insurgents to disperse.

SEC. 4. Pay of militia employed by the United States.

SEC. 5. Penalty for disobeying the President.

SEC. 6. Courts-martial in the cases, to be composed of militia officers.

SEC. 7. Fines to be collected by the marshal.

SEC. 8. Pay over fines to supervisor, &c.

SEC. 9. Powers of the marshal.

SEC. 10. Act to continue two years, and until end of next Congress.

CHAPTER 33.—Approved May 8, 1792, vol. 1, p. 272.

An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.\*

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| <p>1. Every able bodied white male citizen, of the age of 18, and under 45 years, to be enrolled, &amp;c. Duty of captains with respect to enrolling, &amp;c. Citizens enrolled, to provide themselves with arms and accoutrements in six months after enrolment, &amp;c. Militiamen to appear armed, &amp;c., when called out to exercise, &amp;c., except, &amp;c. Muskets to carry balls eighteen to the pound. Arms, &amp;c., free from distress, executions, &amp;c.</p> <p>2. Enumeration of officers and persons, who are exempt from militia duty under this act.</p> <p>3. Militia in each state to be arranged into divisions, brigades, &amp;c., as the legislature thereof may direct. Organization of brigades, regiments, &amp;c. To be</p> | <p>officered by the states in the manner here prescribed.</p> <p>4. One company of grenadiers, light-infantry or riflemen, to each battalion. A company of artillery and troop of horse to each division. Officers of the dragoons, their horses, arms, &amp;c. Dragoons, their horses, arms, &amp;c. Company of artillery and troop of horse to be formed of volunteers, &amp;c.</p> <p>5. Colors to battalions and regiments, and by whom provided.</p> <p>6. An adjutant-general in each state. His duties.</p> <p>8. Commissioned officers to take rank according to date, &amp;c.</p> <p>9. Militiamen wounded and disabled in public service, to be provided for, &amp;c.</p> <p>10. Duties of brigade inspectors.</p> |
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SEC. 1. That each and every free abled bodied white

\* See additional act of 2d March, 1803, by which the provisions of this act are modified in some respects.

male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as hereinafter excepted,) shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket,\* or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or, with a good rifle, knapsack, shot pouch and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise, or into service; except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall, severally, be armed with a sword or hanger, and espartoon; and that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as afore-

\* Enjoined again 2d March, 1803, ch. 15, p. 2.



said, shall hold the same exempted from all suits, distresses, executions, or sales, for debt, or for the payment of taxes.

SEC. 2. That the Vice-President of the United States ; the officers, judicial and executive, of the government of the United States ; the members of both houses of Congress and their respective officers ; all custom-house officers, with their clerks ; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States ; all ferrymen employed at any ferry on the post road ; all inspectors of exports ; all pilots ; all mariners, actually employed in the sea service of any citizen or merchant within the United States ; and all persons who now are, or may hereafter be, exempted by the laws of the respective states, shall be, and are hereby, exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

SEC. 3. That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct ; and each division, brigade, and regiment, shall be numbered at the formation thereof ; and a record made of such numbers in the adjutant-general's office in the state ; and when in the field, or in service in the state, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That, if the same be convenient, each brigade shall consist of four regiments ; each regiment of two battalions ; each battalion of five companies ; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows : To each division,\* one major-general and two aids-de-camp, with the rank of major ; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of a major ; to each regiment, one† *lieutenant-colonel commandant* ; and to each

\* See for division officers, 18th April, 1814, ch. 80, vol. 3, p. 134.

† One colonel, one lieutenant-colonel and one major, 20th April, 1816, ch. 44, vol. 3, p- 295.

battalion, one major; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster,\* to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one surgeon-major; one drum-major, and one fife-major.

SEC. 4. That out of the militia enrolled, as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that, to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword, or hanger, a fusee, bayonet and belt, with a cartridge box, to contain twelve cartridges; and each private, or matross, shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be, to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least, fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion, and valise, holsters, and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of

\* A quartermaster-general for each state, and one quartermaster for each brigade, with a chaplain to each regiment, 2d March, 1803, ch. 15, vol. 1, p. 207.

the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense ; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 5. That each battalion and regiment shall be provided with the state and regimental colors, by the field officers, and each company with a drum, and fife or bugle horn, by the commissioned officers of the company in such manner as the legislature of the respective states shall direct.

SEC. 6. That, there shall be an adjutant-general appointed in each state, whose duty\* it shall be to distribute all orders from the commander-in-chief of the state to the several corps ; to attend all public reviews, when the commander-in-chief of the state shall review the militia, or any part thereof ; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act ; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made ; to receive from the several officers of the different corps, throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline : All which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner, so that the said adjutant-general may be furnished therewith : from all which returns, he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

[SEC. 7.† Rules of discipline, the same as in 1779 ; except, &c.]

SEC. 8. That all commissioned officers shall take rank ac-

\* And to make return to the President, annually, of the militia of the state, and their arms, &c. 2d March, 1803, vol. 2, ch. 15, p. 207.

† This section is repealed by act of 12th May, 1820, which adopts, for the militia of the United States, the system of discipline and field exercise observed by the regular army. The rules of 1779, here referred to, were contained in the system prepared by the Baron Steuben, which was examined and amended by General Washington prior to its adoption by Congress.

cording to the date of their commissions ; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn, by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment.

SEC. 9. That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

SEC. 10. That it shall be the duty of the brigade-inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements ; superintend their exercise and manœuvres, and introduce the system of military discipline, before described, throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander-in-chief of the state ; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition, of the several corps, and every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline ; and the adjutant-general shall make a return of all the militia of the state, to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said states, which, by the laws, customs, or usages, thereof, have not been incorporated with, or subject to, the general regulations of the militia :

SEC. 11. That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

[*Approved, May 8, 1792.*]

## CHAPTER 37.—Approved, May 8, 1792.—Vol. 1, p. 279.

## An Act making alterations in the Treasury and War Departments.

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| 3. A paymaster to reside near head-quarters. His duties; bond; oath, &c. | 5. Contracts for supplying the army, &c. |
| 4. Assignment of pay, invalid, &c.                                       |  |

SEC. 3.\* That there be a paymaster,† to reside near the head quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive, from the treasurer, all the moneys which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence, or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify, accurately, to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined, and finally adjusted at the treasury. *That the said paymaster shall give bond in the sum‡ of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said paymaster shall be sixty dollars monthly, with the same rations and forage as a major.*§

SEC. 4. That no assignment of pay, made after the first

\* This section is supplied by act of 24th April, 1816, ch. 69, sec. 4.

† Paymaster general to be appointed 2d March, 1816, ch. 69, sec. 3.—See also his pay and duty 16th March, 1802.

‡ As President may require, 16th March, 1802, as Secretary of War may require, 25th April, 1816.

§ Act of 16th March, 1802, ch. 49, sec 3.

day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. That all purchases and contracts, for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies, or articles for the use of the department of war, be made by, or under, the direction of the treasury department.\*

[*Approved, May 8, 1792.*]

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CHAPTER 1.—Approved, Jan. 13, 1794.—Vol. 1, p. 341.

An Act making an alteration in the Flag of the United States.†

[SEC. 1. After the 1st of May, 1795, the flag of the United States to consist of fifteen stripes, &c., fifteen stars, &c.]

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CHAPTER 9.—Approved, March 20, 1794.—Vol. 1, p. 345.

An Act to provide for the defence of certain Ports and Harbors in the United States.

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| 1. The harbors mentioned to be fortified under the direction of the President, &c. | Cause cannon, shot, &c., to be provided, &c.                       |
| 2. The President may employ the troops of the United States as garrisons, &c.—     | 3. The President to receive cessions of, or to purchase lands, &c. |

SEC. 1. That the following ports and harbors be fortified, under the direction of the President of the United States, and at such time or times as he may judge necessary, to wit: Portland, in the district of Maine; Portsmouth, in the state of New Hampshire; Gloucester, Salem, Marblehead, and Boston in the state of Massachusetts; Newport, in the state of Rhode Island; New London, in the state of Connecticut; New York; Philadelphia; Wilmington, in the state of Delaware; Baltimore, in the state of Maryland; Norfolk, and Alexandria in the state of Virginia; Cape Fear river,

\* Modified by act of 16th July, 1798, sec. 3.

† Altered and established by act of April 4, 1818.

and Ocracock Inlet, in the state of North Carolina ; Charleston and Georgetown, in the state of South Carolina ; and Savannah,\* and Saint Mary's, in the state of Georgia.

SEC. 2. That it shall be lawful for the President of the United States to employ, as garrisons, in the said fortifications, or any of them, such of the troops on the military establishment of the United States as he may judge necessary ; and to cause to be provided one hundred cannon, of a calibre, each, to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre, each, to carry a ball of twenty-four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon shot.

SEC. 3. That it shall be lawful for the President of the United States to receive from any state (in behalf of the United States) a cession of the lands on which any of the fortifications aforesaid, with the necessary buildings, may be erected ; or where such cessions shall not be made, to purchase such lands, on behalf of the United States : *Provided*, That no purchase shall be made where such lands are the property of a state.†

[*Approved, March 20, 1794.*]

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#### CHAPTER 14.—Approved, April 2, 1794.—Vol. 1, p. 352.

An Act to provide for the erecting and repairing of Arsenals and Magazines, and for other purposes.‡

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| 1. Three or four arsenals, with magazines, to be established, under the direction of the President, &c. Proviso : arsenals not to be erected until the land is purchased, &c. | 2. A national armory at each of the arsenals, &c. Compensation to superintendents and master armorers, &c.<br>5. Annual account of expenses of armories, &c., to be laid before Congress. |
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SEC. 1. That, for the safe keeping of the military stores, there shall be established, under the direction of the Presi-

\* And Annapolis by 9th May, 1794, chapter 25.

† See the constitution, article 1, section 8, clause 16.

‡ See act 4th May, 1798, making further provisions for procuring arms, &c.

dent of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either, or both, of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion : *Provided*, That none of the said arsenals be erected, until purchases of the land, necessary for their accommodation, be made, with the consent of the legislature of the state in which the same is intended to be erected.

SEC. 2. That there shall be established, at each of the aforesaid arsenals, a national armory, in which shall be employed one superintendent, and one master armorer, (who shall be appointed by the President of the United States,) and as many workmen as the secretary for the department of war shall, from time to time, deem necessary, so that the whole number, at all the armories, shall not exceed one hundred.\* And the said superintendents shall, each, receive, as a compensation,† seventy dollars per month, and the said master armorers, each, fifty dollars per month.‡

[SEC. 3. An officer to superintend the receiving, &c., of military stores, &c. § His compensation; and to be appointed by the President.

SEC. 4. Not exceeding \$59,000 appropriated for erecting and repairing arsenals, &c. and not exceeding 22,865 dollars for armories, &c. 340,000 dollars to be applied, under the President's direction, in the purchase of arms, &c.]

SEC. 5. That an annual account of the expenses of the national armories be laid before the legislature of the United States, together with an account of the arms made and repaired therein.

[*Approved, April 2, 1794.*]

\* See act of 23d April, 1808, sec. 1.

† And 3 rations per day, 7th May, 1800, ch. 46 sec. 1. The office at Springfield abolished 23d Aug. 1841, ch. 186.

‡ See act of 7th May, 1800, sec. 4.

§ Section 3 repealed 3d March, 1813, ch. 48, sec. 1.



CHAPTER 24.—Approved, May 9, 1794.—Vol. 1, p. 366.

An Act for raising and organising a Corps of Artillerists and Engineers.\*

SEC. 1. 764 non-commissioned officers, privates, &c., to be raised for three years, &c. Commissioned officers to be appointed, &c.

SEC. 2. To be incorporated with the corps of artillery, &c. Entire number of the corps of artillerists and engineers to be 992, exclusively, &c.

SEC. 3. Organization of the corps as mentioned.

SEC. 4. Officers and privates to receive the same pay, &c. as other troops, to be governed by the same rules, &c.

SEC. 5. The Secretary of War to provide books, apparatus, &c.

SEC. 6. The President to cause portions of the corps to serve as he may deem consistent, &c.

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CHAPTER 25.—Approved, May 9, 1794.—Vol. 1, p. 367.

An Act supplementary to "An Act to provide for the defence of certain Ports and Harbors in the United States."

SEC. 1. That the port and harbor of the city of Annapolis be fortified, in such manner, and at such time or times, as the President of the United States may direct; and that it shall be lawful for the President of the United States to employ a garrison in the said fortification, provide cannon and equipments, and receive, from the state of Maryland, a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second and third sections of the act to which this is a supplement.†

\* Continued by acts of 3d March, 1795, and 30th May, 1796. An additional regiment provided by act of 27th April, 1798. Repealed and supplied by act of 16th March, 1802, sections 1, 2, 26, 27, 28 and 29.

† See original act, 20th March, 1794.

## CHAPTER 52.—Approved, June 7, 1794.—Vol. 1, p. 390.

An Act in addition to the “Act for making further and more effectual provision for the protection of the Frontiers of the United States.”\*

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| 1. Half-pay for five years to the widows or orphans of commissioned officers dying in the service from wounds, &c. <i>Proviso</i> : no greater allowance, in any case, than the half-pay of lieutenant-colonel. | 2. Arrears of the army not to exceed 2 months.<br>3. The President may augment the rations of troops on the frontiers, under special circumstances, &c. |
|---|---|

SEC. 1 That if any commissioned officer in the troops of the United States, shall, while in the service of the United States, die, by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children, under age, such widow, or if no widow, such child or children, shall be entitled to, and receive, the half of the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years: and in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years, and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, that no greater sum shall be allowed, in any case, to the widow, or to the child or children of any officer, than the half pay of a lieutenant-colonel.

SEC. 2. That the army be in future paid in such manner that the arrears shall at no time exceed two months.

SEC. 3. That to such of the troops as are, or may be, employed on the frontiers, and under such special circumstances as, in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the

\* The 1st and 2d sections of this act were superseded and supplied by act of 16th March, 1802, sections 13 and 15. The 3d was continued with some modification by acts of 3d March, 1795, and 30th May, 1796, sec. 9, but formally repealed by act of 3d March, 1797.

President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of beef, two ounces of flour, and half a gill of rum, or whiskey, in addition to each ration, and half a pint of salt to one hundred rations.

CHAPTER 9.—Approved, January 2, 1795.—Vol. 1, p. 408.

An Act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes.\*

SEC. 1. Monthly rate of pay of non-commissioned officers, privates, &c., of the militia, when called into service.

SEC. 2. Allowances to cavalry for use, &c., of horses, &c., and in lieu of rations and forage, when, &c.

SEC. 3. Pay to commence from the time of appearing at rendezvous. A day's pay, &c., for every 15 miles to the place of rendezvous, &c.

SEC. 4. Pay in addition, &c., to the militia lately called forth into actual service, &c. Proviso: the compensation made by any state to be included, &c. The states entitled to receive from the treasury such such sums as they have paid, &c.

SEC. 5.† Additional pay to the troops enlisted, &c. Additional bounty to soldiers re-enlisting, &c. The payment of \$4 of the additional bounty deferred, &c.

SEC. 6. Additional allowance of provisions to those in the military service who are employed on the western frontiers, &c.

CHAPTER 27.—Approved, February 23, 1795.—Vol. 1, p. 419.

An Act to establish the office of Purveyor of Public Supplies.‡

SEC. 1. A purveyor of public supplies in the department of the treasury, &c. His duty to conduct the procuring of arms, &c. His salary 2,000 dollars per annum. His letters free of postage.

\*See act of 19th March, 1836.

† This and the next succeeding section, relate to the regular army. Similar provisions will be found incorporated in the act of 30th May, 1796, to ascertain and fix the military establishment of the United States, which may be regarded as superseding these.—See sections 7, 11 and 12.

‡ Abolished by act of March 28th, 1812.

SEC. 2. The purveyor not to be concerned in trade or commerce, &c. nor to purchase public lands, &c. Forfeit of 3,000 dollars, imprisonment, and disability for offending against the prohibitions of this act, &c.

SEC. 3. The purveyor to give bond, &c. The bond to be lodged in the office of the comptroller.

[*Approved, February 23, 1795.*]

## CHAPTER 36.—Approved February 28, 1795.—Vol. 1, p. 424.

An Act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for those purposes.\*

1. In case of invasion, &c., the President may call forth the militia most convenient, and issue his orders to the militia officers, &c. In case of insurrection against the government of a state, the President, on application, &c., may call forth the militia of other states, &c.

2. In case of opposition to the laws by powerful combinations, &c., the President may call forth the militia of any state, &c.

3. Whenever the military force is necessary, the President, by proclamation, to command the insurgents to disperse, &c.

4. Militia in service, to be subject to the rules and articles of war, &c. Militia not to serve more than three months after arrival at the place of rendezvous, &c.

5. Officers, privates, &c., failing to obey the President, &c., forfeit pay, not

exceeding, &c. Officers liable, moreover, to be cashiered, &c. Non-commissioned officers and privates liable to be imprisoned on failing to pay fines, &c.

6. Courts-martial, &c., of militia officers only.

7. Fines to be certified by the presiding officer of the court-martial, to the marshal, &c., who is to levy, &c. Sale of distrained goods according to state laws, &c. Where non-commissioned officers and privates are adjudged to suffer imprisonment, &c., the marshal, &c., may commit, &c.

8. The marshals to pay fines to supervisors, &c. Five per cent. compensation to the marshal. The marshals failing to pay over, may be sued, &c.

9. Marshals, in executing the laws of the United States, empowered as sheriffs, &c.

10. The act mentioned, repealed.

SEC. 1. That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders, for that purpose, to such officer or officers of the militia as he shall

\* See supplementary act, Feb. 2, 1813. See Dunlop's notes, p. 147-8.

think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the Executive, (when the legislature cannot be convened,) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

SEC. 2. That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

SEC. 3. That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time.

SEC. 4. That the militia employed in the service of the United States, shall be subject to the same rules and articles of war as the troops of the United States: and that no officer, non-commissioned officer, or private, of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.

SEC. 5. That every officer, non-commissioned officer, or private, of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's

pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: and such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month, for every five dollars of such fine.

SEC. 6. That courts-martial for the trial of militia, shall be composed of militia officers only.

SEC. 7. That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial before whom the same shall be assessed, to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent; which costs, and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to jail, during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 8. That the marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue in the district in which they are collected, within two months after they shall have received the same, deducting

therefrom five per centum as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the United States, of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the supervisor of the district, with interest and costs.

SEC. 9. That the marshals of the several districts, and their deputies, shall have the same powers, in executing the laws of the United States, as sheriffs, and their deputies, in the several states, have by law in executing the laws of the respective states.

SEC. 10. That the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," passed the second day of May, one thousand seven hundred and ninety-two, shall be, and the same is hereby, repealed.

[*Approved, February 28, 1795.*]

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CHAPTER 44.—Approved March 3, 1795.—Vol. 1, p. 430.

An Act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.\*

SEC. 1. The present military establishment, &c., continued.

SEC. 2. The corps of artillerists and engineers to be completed, &c.†

SEC. 3. The legion of the United States to be completed, &c. The sub-legions to be organized as the President may direct. Proviso: no enlistments after three years.

SEC. 4. The cavalry to serve as dismounted dragoons when ordered, &c. A right to be reserved, &c., to discharge the troops enlisted.

SEC. 5. Commissioned officers in the recruiting service allowed two dollars for every person enlisted of the description mentioned, &c.

SEC. 6. A bounty of sixteen dollars to each soldier re-enlisting, &c. Bounty of fourteen dollars to each recruit, not of the army. Part of the bounty deferred, &c.

SEC. 7. Non-commissioned officers, privates, and musicians, of the infantry and artillery, to receive the articles of uniform clothing mentioned. Clothing for the cavalry and riflemen to be suitable, &c.

\* Repealed and supplied by act of 30th May, 1796.

† See act May 9, 1794. There is a discrepancy between the date here referred to and that affixed to the act as the date of its approval.

SEC. 8. Daily ration allowed to each non-commissioned officer, private, &c.

SEC. 9. Additional allowance of provisions to the military employed on the western frontiers.

SEC. 10. Monthly pay of officers, non-commissioned officers, musicians, and privates, on the military establishment of the United States.

SEC. 11. Rations for commissioned officers. Money in lieu of rations.

SEC. 12. Monthly rate of allowance, instead of forage, to the officers mentioned.

SEC. 13. Officers, non-commissioned officers, privates, &c., wounded or disabled, &c., to be placed on the list of invalids, &c. Proviso: rate of compensation to a commissioned officer not to exceed half pay, &c.; that to privates not to exceed five dollars per month. Proviso: allowance for inferior disabilities in proportion.

SEC. 14. Officers and soldiers to be governed by the rules and articles of war, &c.

SEC. 15. Officers and soldiers to take and subscribe an oath. Form of oath.

SEC. 16. The President to arm the troops as he may think proper. The President may forbear to raise, or discharge the troops, in case, &c.

SEC. 17. Persons procuring soldiers to desert, &c., or captains of vessels receiving deserters, &c., subject to fine or imprisonment.

SEC. 18. The acts mentioned repealed. Proviso: nothing in this section to vacate commissions or enlistments, &c.

[*Approved, March 3, 1795.*]

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## CHAPTER 8.—Approved March 23, 1796.—Vol. 1, p. 450.

AN ACT for the relief of certain officers and soldiers, who have been wounded or disabled, in the actual service of the United States.

[Militia and volunteers so wounded, to be placed on list of invalids, provided officers shall not receive more than half-pay nor soldiers more than five dollars per month, and provided further that application be made within one year after the session of Congress.]



CHAPTER 25.—Approved, May 12, 1796.—Vol. 1, p. 463.

An Act allowing compensation for horses killed in battle belonging to officers of the army of the United States.

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| <p>1. Officers whose duty requires them to be on horseback in time of action, &amp;c., allowed two hundred dollars for each horse killed.</p> <p>2. The provision in this act to have retrospective operation to the 4th March,</p> | <p>1789. Proviso: no person to receive payment for any horse killed, until he make satisfactory proof, &amp;c.</p> <p>3. Proof of value, &amp;c., the affidavit of the quartermaster, or two other credible witnesses.</p> |
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SEC. 1. That every officer in the army of the United States, whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine: *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the secretary of war, that the horse, for which he claims compensation, was actually killed under such circumstances as to entitle him to this provision, in all cases which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. That the proof of the value of such horse shall be by the affidavit of the quartermaster of the corps to which the owner may belong, or of two other credible witnesses.

## CHAPTER 39.—Approved, May 30, 1796.—Vol. 1, p. 483.

An Act to ascertain and fix the Military Establishment of the United States.\*

SEC. 2. Organization of a regiment of infantry.

SEC. 3. A major-general, and two aids; a brigadier-general, &c. Additional pay of brigade-major, &c.

SEC. 4. The President to cause the officers and privates of the legion, &c., to be arranged so as to complete the four regiments, &c., out of them. The supernumeraries to be considered, &c., discharged.

SEC. 5. The corps of artillerists and engineers to be completed, &c.†

SEC. 6. Commissioned officers employed in recruiting, to receive two dollars for every person enlisted of the description mentioned.

SEC. 7. Sixteen dollars bounty to soldiers re-enlisting for five years, &c. A bounty of fourteen dollars to persons not in the army enlisting. The payment of four dollars of the bounty deferred, &c.

SEC. 8. Non-commissioned officers, privates, &c., of the artillery and infantry, to receive annually, the articles of uniform clothing mentioned. Suitable clothing to be provided for the dragoons, &c.

SEC. 10. Daily rations of provisions for non-commissioned officers, privates, &c.

SEC. 11. Additional allowance of provisions to the military employed on the western frontier, &c.

SEC. 12. Monthly pay of officers and soldiers, &c.

SEC. 13. Rations, &c., for commissioned officers.

SEC. 14. Monthly allowance, in lieu of forage, to the officers mentioned.

SEC. 15. Not exceeding three hundred dollars fine or one year imprisonment, for enticing a soldier to desert, purchasing his arms, &c., or for a captain of a vessel entering a deserter among his crew, &c.

SEC. 16. No non-commissioned officers and privates subject to arrest for a sum under twenty dollars.

SEC. 17. Non-commissioned officers or privates deserting, liable, in addition to penalties, &c., to serve such period as will amount to the full term of enlistment; and may be tried, although, &c.

SEC. 18. Sentences of general courts-martial, in time of peace, extending to the loss of life, or which, in peace or war, respect a general officer, to be laid before the President, &c.

SEC. 19. Officers and soldiers wounded in the line of duty, &c., to be placed on the list of invalids, &c. Proviso: the rate of compensation to a commissioned officer not to exceed half pay, &c. The rate, &c., to non-commissioned officers and privates, not to exceed five dollars per month.

\* See act of the 3d March, 1797, and 16th July, 1798, also act of 16th March, 1802, which repealed and supplied this and the above-mentioned acts.

† See act May 9, 1794.

SEC. 20. Officers and soldiers to be governed by the rules and articles of war, except, &c.

SEC. 21. Officers and soldiers to take and subscribe an oath. Form of the oath.

SEC. 22. Acts in force, and within the purview of this act repealed; saving, &c.

SEC. 23. The general staff, &c., to continue in service until the 4th March, 1797.

[*Approved, May 30, 1796.*]

## CHAPTER 16.—Approved, March 3, 1797.—Vol. 1, p. 507.

An Act to amend and repeal, in part, the act, entitled “An act to ascertain and fix the Military Establishment of the United States.”

1. The sections and parts of sections, &c., of the act mentioned, repealed.

2. One brigadier-general, &c. A judge-advocate, &c.

3. A quartermaster-general and paymaster-general, &c.

4. Monthly pay of lieutenants and en-

signs. Double rations to the brigadier while commander-in-chief, and the same to officers commanding separate posts.

5. Majors entitled to four rations per day.

6. Each commissioned officer deranged, &c., to receive six months pay, &c.

SEC. 1. That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled “An act to ascertain and fix the military establishment of the United States,”\* together with all other parts thereof, which relate to provision made for the major-general and his staff, be repealed: and that all such parts of the said act, together with so much of the twenty-third section as may be construed to affect the brigadier, and the whole of the eleventh section of the said act be, and are hereby, repealed.

SEC. 2. That there shall be one brigadier-general, who may choose his brigade-major and inspector from the captains and subalterns in the line,† (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.)

\* See act May 30, 1796.

† Repealed by act May 22, 1798, but see 16 March, 1802.

That there shall be one judge-advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

SEC. 3. That there shall be one quartermaster-general, and one paymaster-general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

SEC. 4. That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: that to the brigadier, while commander-in-chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

SEC. 5. That the majors be entitled to receive four rations per day, for their subsistence.

SEC. 6. That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

[*Approved, March 3, 1797.*]

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### CHAPTER 3.—Approved, June 23, 1797.—Vol. 1, p. 521.

An Act to provide for the further defence of the ports and harbors of the United States.

SEC. 1. \$115,000 appropriated for fortifying ports and harbors.

SEC. 2. Fund for defraying the expense.

SEC. 3. States indebted to the United States, authorized to expend balances due, on fortifications, and to have credit therefor. Proviso: as to cession of cities of fortifications.\*

\* This proviso repealed by act of 3d May, 1798.

CHAPTER 15.—Approved, March 14, 1798.—Vol. 1, p. 540.

An Act to provide for the Widows and Orphans of certain deceased officers.

SEC. 1. Provisions of the act of 7th of June, 1794, extended to the widows, &c., of officers, &c., who have died by reason of wounds received since 4th March, 1789.\*

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CHAPTER 33.—Approved, April 27, 1798.—Vol. 1, p. 552.

An Act to provide an additional regiment of Artillerists and Engineers.†

SEC. 1. An additional regiment, to serve five years, &c. Organization of the regiment. Organization of a company.

SEC. 2. The regiment to be considered as a part of the military establishment. Bounty, pay, allowances, &c. The regiment may be employed by the President as he may deem the public service to require.

SEC. 3. Necessary books, &c., to be provided at the public expense.

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CHAPTER 37.—Approved, May 3, 1798.—Vol. 1, p. 554.

An Act supplementary to the Act providing for the further defence of the Ports and Harbors of the United States.‡

SEC. 1. \$250,000 additional, appropriated for fortifications.

SEC. 2. States indebted to the U. S. finishing fortifications, &c., to have credit therefor. Proviso: no expenditure exceeding balance due to be allowed, &c.§

SEC. 3. Proviso of the act of 23d June, 1797, repealed.||

\* See act June 7, 1794.

† Repealed and supplied by act of 16th March, 1802, sections 1, 2, 26 and 29.

‡ Original act of 23d June, 1797.

§ See original act.

|| See original act.

CHAPTER 38.—Approved, May 4, 1798.—Vol. 1, p. 555.

An Act to enable the President of the United States to procure cannon, arms, and ammunition; and for other purposes.\*

SEC. 1. \$800,000 appropriated to purchase cannon, small arms, &c.

SEC. 2. The President may establish foundries and armories, &c.  
Account of expenditures to be laid before Congress, annually.

SEC. 3. \$100,000 appropriated for the purposes of this act.

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CHAPTER 46.—Approved May 22, 1798.—Vol. 1, p. 557.

An Act to amend the Act, entitled “An Act to amend and repeal, in part, the Act, entitled, ‘An Act to ascertain and fix the Military Establishment of the United States.’”†

[SEC. 1. The brigadier-general may choose his brigade-major and inspector from the commissioned officers of the line.

SEC. 2. Pay and allowances as established by law, to major Cushing, as inspector.]

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CHAPTER 47.—Approved May 28, 1798.—Vol. 1, p. 558.

An Act authorizing the President of the United States to raise a provisional army.‡

SEC. 1. The President may, on the events mentioned taking place, raise an army of 10,000 men, for three years. Bounty of \$10.

SEC. 2. The President may organize the troops, and appoint officers, in the recess of the Senate, &c. Appointment of field officers, to be submitted to the Senate, &c. The troops to be on the footing of the other troops of the United States, bounty excepted.

SEC. 3. The President may accept of volunteers, in addition to the troops authorized by this act, appoint their commissioned officers, &c. The volunteers may be called upon to perform duty within two years, &c. Volunteers in actual service on the same footing as other troops, bounty and clothing excepted.

SEC. 4. Allowance to volunteers for loss of horses, &c.

\* See act of 2d April, 1794.

† Repealed by act of 16th March, 1802. Vol. 2, p. 132.

‡ Repealed by act of 16th March, 1802.

SEC. 5. The President may appoint a lieutenant-general. His pay and emoluments. Aids and secretaries.\*

SEC. 6. The President may appoint an inspector-general. Pay and emoluments of major-generals and inspector-general. They may appoint aids, &c. The President may appoint an adjutant-general. Assistant inspectors to every separate portion of the army; and inspectors and sub-inspectors to each brigade and corps.

SEC. 7. Also, a quartermaster-general, physician-general, and paymaster-general. Their pay and emoluments. Proviso: the President may make the appointments mentioned in the recess, &c.

SEC. 8. Former laws respecting the military establishment of the United States, extended to the persons, matters and things, within the meaning of this act.

SEC. 9. The President may discharge the whole, or any part, of the officers and soldiers raised or accepted, under this act, when consistent with the public safety.

SEC. 10. No commissioned or staff officer to be entitled to pay or emolument but for actual service. Proviso: as to recruiting service. Proviso: no enlistment after three years.

SEC. 11. The President may loan field artillery to militia corps, disposed to inform themselves in its use, &c.

SEC. 12. And, also, field artillery, arms, and accoutrements, to militia or volunteer corps called forth and engaged in actual service.

SEC. 13. The President may procure certain equipage for cavalry, which may be likewise loaned. Appropriation of \$200,000 for the purposes of this act.

SEC. 14. Privates exempt from arrest for debt or contract, during their term of service. Judges, &c., upon arrest of soldiers for debt, &c., to grant writs of habeas corpus, hear and examine the cases, and discharge, &c.

[*Approved, May 28, 1789.*]

## CHAPTER 57.—Approved June 22, 1798.—Vol. 1, p. 569.

An Act supplementary to, and to amend, the Act, entitled, "An Act authorizing the President of the United States to raise a Provisional Army."†

SEC. 1. Volunteers to observe the rules to be fixed by the President for training and disciplining them. Exempted from militia duty.

SEC. 2. The President may appoint their field officers in the recess of Congress. Proviso: no pay from the United States, until called into actual service.

\* The title of lieutenant-general abolished, by act of 3d March, 1799, sec. 9. Revived temporarily 15th February, 1855, vol. 10, p. 723.

† For original act, see act May 28, 1798.

SEC. 3. The President may authorize the sale, to volunteers, of artillery, arms, &c., or may loan the same, &c. Accounts of the sales or loans to be kept in the war department, &c., other artillery, &c., to be purchased with the money accruing.

SEC. 4. The President may proceed to appoint such of the officers for the army of 10,000 men as may be more immediately requisite. Officers not entitled to pay until employed in actual service.

[*Approved. June 22, 1798.*]

CHAPTER 65.—Approved July 6, 1798.—Vol. 1, p. 576.

An Act providing Arms for the Militia throughout the United States.

SEC. 1. 30,000 stand of arms to be provided, for sale to the state governments, &c.

SEC. 2. Arms remaining unsold may be delivered to the militia when called into service, &c.

SEC. 3. Amount of sales to be paid into the treasury, &c.

SEC. 4. Appropriation of \$400,000 for the purposes of this act.

CHAPTER 72.—Approved July 11, 1798.—Vol. 1, p. 594.

An Act for the establishing and organizing a Marine Corps.\*

2. Pay and subsistence of the officers, privates, &c. The President to continue enlistments; appoint commissioned officers in the recess, &c. Enlistment for	three years, subject, &c. The marine corps being ordered to do duty on shore, the commandant of the corps may appoint the necessary staff officers, &c.
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[SEC. 1.† A corps of marines to be raised and organized, &c.‡]

SEC. 2. That the pay and subsistence of the said officers, privates, and musicians, shall be as follows, to wit: [to a major, fifty dollars per month, and four rations per day; to a captain, forty dollars per month, and three rations per day: to a first lieutenant, thirty dollars per month, and three rations per day; to a second lieutenant, twenty-five dollars per month, and two rations per day,] and to the non-

\* See acts 2d March, 1799, March 3, 1809, April 16, 1814.

† This section is now fully supplied by 20th June, 1834, ch. 132, sec. 1.

‡ Abolishing the office of major, and creating a lieutenant-colonel commandant.



commissioned officers, privates, and musicians, conformably to the act, entitled "An act providing a naval armament," as shall be fixed by the President of the United States: *and the President of the United States shall be, and is hereby, authorized to continue the enlistment of marines, until the said corps shall be complete: and, of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of three years,\* subject to be discharged by the President of the United States, or by the ceasing or repeal of the laws providing for the naval armament. And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quartermaster, sergeant major, quartermaster sergeant, and drum and fife major, or any of them, the major or commandant of the corps is hereby authorized to appoint such staff officer or officers, from the line of subalterns, sergeants, and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments which are allowed by law to officers acting in the same capacities in the infantry.*

[SEC. 3. Detachment of the corps to be in lieu of the quotas established for the frigates, &c.]

SEC. 4. Officers, &c., of the corps to take an oath, be governed by established rules;† be entitled to the same allowance in case of wounds, &c., as granted by the act mentioned.‡

SEC. 5. Exemption of non-commissioned officers, &c., from arrest for debts or contracts.]

SEC. 6. That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the seacoast, or any other duty on shore, as the President, at his discretion, shall direct.

[Approved, July 11, 1798.]

\*See act March 3, 1809, extending to 5 years—June 30, 1834, extending to 4 years.

†See act April 10, 1806.

‡See act 30th May, 1796.

CHAPTER 76.—Approved, July 16, 1798.—Vol. 1, p. 604.

An Act to augment the Army of the United States, and for other purposes.\*

SEC. 1. Organization of regiments of infantry. Additional surgeon's mates may be appointed.

SEC. 2. President authorized to raise twelve additional regiments of infantry and six troops of light dragoons, during existing differences, &c. The six troops, &c., to be formed into a regiment, &c.

SEC. 3. Major-generals and staff.

SEC. 4. Pay and subsistence of major-generals, &c.

SEC. 5. Non-commissioned officers, privates, &c., to be able bodied, &c. Bounty of twelve dollars. Allowance to recruiting officers.

SEC. 6. Pay of non-commissioned officers, privates, &c. Subsistence of non-commissioned officers, privates, &c.

SEC. 7. The President may appoint four teachers of the arts and sciences, necessary for artillerists and engineers.

SEC. 8. Officers and soldiers to take the oath prescribed, &c. The President may make appointments in the recess of the Senate.

SEC. 9. Inspector of artillery to be appointed, &c.

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CHAPTER 85.—Approved, July 16, 1798.—Vol. 1, p. 610.

An Act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

5. Provision of the acts mentioned, as require an advance of money, &c., to be repealed, so far, &c. | be lodged in the comptroller's office

6. Contracts under this act, &c., such | within ninety days.

[EXTRACT.]

[SEC. 3. Purchases and contracts to be made by the secretaries of war, and navy departments, and the accounts to be settled with the accountants thereof.†]

SEC. 4. Purveyor of public supplies to execute orders from the secretaries of war or navy, &c.‡]

SEC. 5. That the provisions of the act, passed on the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act making alterations in the treasury

\* Repealed by act of 16th March, 1802.

† This section supplied by 3d March, 1809, chap. 28, sec. 5.

‡ The office of purveyor abolished, by act of 28th March, 1812.

and war departments,"\* and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, entitled "An act to establish the office of purveyor of public supplies,"† so far as the same are repugnant to the provisions of this act be, and the same are hereby, repealed.

SEC. 6. That all contracts to be made by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the comptroller of the treasury of the United States, within ninety days after their dates, respectively.‡

[*Approved, July 16, 1798.*]

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CHAPTER 27.—Approved March 2, 1799.—Vol. 1, p. 721.

An Act to regulate the Medical Establishment. §

SEC. 1. Officers in the medical establishment of the United States.

SEC. 2. Each military hospital to have a steward, &c.

SEC. 3. Physician-general, &c., to be appointed as other officers, &c. Mates and stewards to be appointed by the physician-general, &c. Hospital surgeons to appoint nurses, &c.

SEC. 4. Regimental surgeons, &c., with the consent of the general, to attend in the hospitals, &c.

SEC. 5. The physician-general, &c., to frame directions relative to the admission of patients into hospitals, &c. Proviso: the directions being sanctioned, &c., to be operative, unless, &c.

SEC. 6. Compensation and allowance for forage, &c., to the several officers mentioned. Proviso: none of the officers entitled to pay, &c., until called into actual service.

SEC. 7. Temporary and permanent hospitals may be provided, &c.

SEC. 8. The officers of the medical establishment to be liable to the rules and regulations for the government and discipline of the army, &c.

SEC. 9. The physician-general, &c., may call a medical board, &c.

\* See act May 18, 1792.

† See act Feb. 23, 1795.

‡ See act 3d March, 1809.

§ Repealed and supplied by act of 16th March, 1802—see sections 3 and 29.

CHAPTER 31.—Approved, March 2, 1799.—Vol. 1, p. 725.

An Act giving eventual authority to the President of the United States to augment the army.\*

SEC. 1. In case of war, or danger of invasion, an additional military force may be raised.

SEC. 2. The President, with the advice of the Senate, or alone, authorized to appoint and commission officers, &c. Proviso: general and field officers to be submitted to the Senate at the next meeting, &c.

SEC. 3. The officers, non-commissioned officers, privates, &c., entitled to the same pay, clothing, rations, &c., as other troops, &c., subject to the rules and articles of war, &c. Proviso: none but recruiting officers entitled to pay until called into actual service.

SEC. 4. The laws of the United States respecting the military establishment applicable to the troops, &c., to be raised by this act, except, &c.

SEC. 5. The President may discharge the whole, or any part, of the troops raised under this act at discretion.

SEC. 6. The President authorized to organize volunteers, &c. Volunteers not compelled to serve longer than three months, &c., out of their state.†

SEC. 7. The volunteers may be called forth, &c., for all the purposes stated in the act mentioned, &c.‡

SEC. 8. The President not to accept a greater number of volunteers in any of the states, &c., than is here apportioned, &c.

SEC. 9. \$2,000,000 appropriated for the execution of this act. The President authorized to borrow money, &c. Proviso: the United States may repay the sum borrowed after 15 years.

SEC. 10. Surplus of duties pledged for paying the interest and principal of the loan, &c.

SEC. 11. The powers vested in the President by the 1st and 2d sections of this act, to cease, &c., unless continued by law.

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CHAPTER 37.—Approved March 2, 1799.—Vol. 1, p. 729.

An Act authorizing an augmentation of the Marine Corps.§

SEC. 1. That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in

\* The 1st and 2d sections of this act expired by the operation of the 11th section; the powers thereby conferred not having been continued for a longer time.

† See chapter 34.

‡ See Appendix, chapter 3.

§ See act July 11, 1798.

the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight surgeons, one hundred and seventy privates, and eighteen drums and fifes, who shall be respectively, allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are or shall be entitled and subject.

[*Approved, March 2, 1799.*]

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CHAPTER 47.—Approved, March 3, 1799 —Vol. 1, p. 749.

An Act authorizing the President of the United States to fill certain vacancies in the army and navy.

[SEC. 1. The President authorized to make appointments, to fill certain vacancies in the army and navy.]

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CHAPTER 48.—Approved, March 3, 1799.—Vol. 1, p. 749.

An Act for the better organizing of the troops of the United States, and for other purposes.\*

<p>8. Two regiments to a brigade; two brigades to a division, &amp;c. Proviso: the commanding general may vary, &amp;c. Proviso: this act not to render it necessary to appoint a greater number of general officers, &amp;c., sooner, &amp;c.</p>	<p>&amp;c. Vinegar to be issued whenever, &amp;c.</p>
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<p>22. Commanding officers, &amp;c., may cause rum, whiskey, &amp;c., to be issued to the troops not exceeding, &amp;c., except,</p>	<p>23. Commanding officers may cause clothes to be altered so as to fit, &amp;c. Deduction from pay for the expense of altering clothes, &amp;c.</p> <p>24. Clothing, camp utensils, &amp;c., to be provided by the secretary of war, by purchase, contracts, &amp;c.</p>
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[SEC. 1. Organization of the troops. A regiment of infantry. A regiment of cavalry. A regiment of artillery. Proviso: the number of privates for cavalry, &c., not to exceed, &c. The battalion of riflemen, &c., not to be raised unless war shall break out, &c.]

SEC. 2. Ensigns and cornets to be denominated second lieutenants.

SEC. 3. Compensation of the officers, non-commissioned officers and privates, when in actual service, &c.

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\* Repealed and supplied by act of 16th March, 1802, so far as it conflicts with the provisions of that act. Sections 8, 22, 23, and 24, do not appear to come within the operation of the repealing clause.

SEC. 4. Non-commissioned officers, privates, &c., exempted from personal arrest, &c. In case of arrests, judges, &c., to issue habeas corpus, examine, &c., and commit the party to some officers, &c.

SEC. 5. Non-commissioned officers, privates, &c., to be able bodied, &c. Bounty of \$12. \$2 to the recruiting officer, for each person enlisting, &c.

SEC. 6. When officers are detached, to serve as aids, &c., their places to be supplied by promotions or new appointments, &c. The officer detached to retain his station, nevertheless, &c.

SEC. 7. Officers appointed inspectors, aids, &c., not to be of higher rank than those mentioned.]

SEC. 8. That, in the ordinary arrangement of the army, two regiments of infantry, or cavalry, shall constitute a brigade, and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, That it shall be in the discretion of the commanding general to vary this disposition, whenever he shall judge it proper: *and provided also*, That this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

[SEC. 9. A commander of the army shall be appointed.

SEC. 10. A quartermaster-general of the army, &c.

SEC. 11. The President may raise a battalion of riflemen, &c.

SEC. 12. Deputy quartermasters-general, division and brigade quartermasters, &c., to be chosen by the quartermaster-general, &c. The provision of this act not to affect the present quartermaster-general, &c.

SEC. 13. Deputy inspector-general, division inspectors, brigade inspectors, to be chosen by the inspector-general, &c.

SEC. 14. The adjutant-general to be, ex-officio, assistant inspector-general, &c.

SEC. 15. The paymaster-general to quarter at or near headquarters, &c., appoint deputies, &c. Deputy paymasters to give security, &c. Regimental paymasters to give bond, &c. Compensation of the paymaster-general, deputy, &c.

SEC. 16. Major-general entitled to two aids, &c. Brigadier-general entitled to one aid, &c.

SEC. 17. The President authorized to appoint two engineers, distinct from the officers of the corps of artillerists, &c.

SEC. 18. An inspector of fortifications to be appointed, &c. His compensation, &c. In case the inspector, &c., be chosen from the corps of artillerists, &c., his place to be supplied by promotion, or, &c. Inspector to retain his station in the corps nevertheless, &c.

SEC. 19. Component parts of a ration of provision, &c. Proviso: no diminution of the rations to which troops in service are entitled, &c.

SEC. 20. Articles of uniform clothing for the artillery and infantry, &c.

SEC. 21. Suitable clothing to be provided for the dragoons, &c.]

SEC. 22. That it shall be lawful for the commander-in-chief of the army, or the commanding officer of any separate detachment, or garrison, thereof, at his discretion, to cause to be issued, from time to time, to the troops under his command, out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits, in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions; and that, whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar, at the rate of two quarts for every hundred rations.

SEC. 23. That it shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests and overalls, or breeches, which may, from time to time, be issued to and for his regiment, to be altered and new made, so as the better to fit them to the persons, respectively, for whose use they shall be delivered, and for defraying the expense of such alteration, to cause to be deducted and applied, out of the pay of such persons, a sum or sums, not exceeding twenty-five cents for each coat, eight cents for each vest, and for each pair of overalls or breeches.

SEC. 24. That it shall be lawful for the secretary of war to cause to be provided, in each, and every year, all clothing, camp utensils, and equipage, medicines, and hospital stores, necessary for the troops and armies of the United States, for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered into, all necessary contracts or obligations for effecting the same.

[SEC. 25. Officers and soldiers discharged, except, &c., allowed pay and rations sufficient to travel to their places of residence, &c.]

SEC. 26. Additional allowance to the inspector-general, &c. The inspector-general allowed a secretary, &c.]

[*Approved, March 3, 1799.*]

CHAPTER 9.—Approved, February 20, 1800.—Vol. 2, p. 7.

An Act to suspend, in part, an Act, entitled, “An Act to augment the Army of the United States, and for other purposes.”\*

SEC. 1. Enlistments suspended until the further order of Congress, unless, &c.

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CHAPTER 26.—Approved, April 22, 1800.—Vol. 2, p. 38.

An Act to fix the compensation of the Paymaster-general, and assistant to the Adjutant-general.†

SEC. 1. The paymaster-general to receive \$120 per month, with rations and forage of a major.‡

SEC. 2. The pay of the assistant of the Adjutant-general to be \$40 per month, additional, &c.

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CHAPTER 29, Approved, April 22, 1800.—Vol. 2, p. 39.

An Act fixing the rank and pay of the commanding officer of the corps of marines.§

SEC. 1. That a lieutenant-colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant-colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished.

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CHAPTER 33.—Approved, April 23, 1800.—Vol. 2, p. 45.

An Act for the better government of the Navy of the United States.

8. Pensions to persons disabled in the service. | tured property belonging to the United States.

9. Appropriation of the part of cap- | 10. Management of the navy fund.

SEC. 8. That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for life, or

\* See the act here partially suspended, July 15, 1798.

† Repealed by act of 16th March, 1802.

‡ See act March 3, 1799.

§ See act 3d March, 1809.



during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one-half his monthly pay.

SEC. 9.\* That all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half-pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country.

SEC. 10. That the said fund shall be under the management and direction of the secretary of the navy, the secretary of the treasury, and the secretary of war,† for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous. And it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

[*Approved, April 23, 1800.*]

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## CHAPTER 46.—Approved, May 7, 1800.—Vol. 2, p. 61.

### An Act for the regulation of public Arsenals and Magazines.‡

SEC. 1. Additional compensation to officers of the armories, &c. Three rations per day to a superintendent;§ two rations to a master armorer, &c.

\* See to same effect, 26 March, 1804, ch. 48.

† Payable to the commissioners of the navy pension fund, by the 26 March, 1804, ch. 48.

‡ See act of 2d April, 1794.

§ Superintendent of Springfield and Harper's Ferry abolished 23d Aug., 1842.

SEC. 2. Fine or imprisonment for enticing artificers or workmen to leave the arsenals or armories of the United States, &c.

SEC. 3. Artificers or workmen forfeit not exceeding twenty dollars for breaking or destroying implements, or refusing to perform the services lawfully assigned, &c.

SEC. 4. Artificers and workmen in the armories exempted from military service and from serving as jurors, &c.

[*Approved, May 7, 1800.*]

# CHAPTER 69.—Approved, May 14, 1800.—Vol. 2, p. 85.

An Act supplementary to the Act to suspend part of an Act, entitled "An act to augment the Army of the United States, and for other purposes."

SEC. 1. The President may suspend military appointments under the acts mentioned, &c.\*

SEC. 2. The President authorized to discharge officers, privates, &c., appointed or raised under the acts mentioned, &c., except the engineers, &c. Proviso: nothing in this act to authorize the reduction of the regiments mentioned.†

SEC. 3. Three months' pay additional, to be allowed to officers and privates discharged, &c.

# CHAPTER 9.—Approved, March 16, 1802.—Vol. 2. p. 132.

An Act fixing the Military Peace Establishment of the United States.‡

4. Monthly pay. Stationery, adjutant and inspector. Paymaster. Aids of brigadier. Pay of officers and men.	The secretary of war may supply surplus clothing to men at contract prices.
5. Rations to be furnished in proportion to rank. The President to allow additional rations. Rations to women. Matrons and nurses of hospitals.	12. Bounty to recruits. Part to be deferred.
7. Money in lieu of forage.	13. Arrears of pay not to exceed two months, if avoidable.
8. Uniform clothing to be furnished.	14. Placed on the pension list, when Pension not to exceed half monthly pay. Inferior disabilities to have allowances in proportion; and widows or children

\* See acts July 11, 1798, and March 3, 1799.

† This proviso superseded by the act of 16th March, 1802.

‡ The provisions of this act in regard to pay, subsistence, clothing, allowances for wounds and disabilities, and benefits and allowances generally, are adopted by act of March 3rd, 1815. The residue may be considered as repealed and supplied by that act, and those therein referred to.—See act March 3, 1815, sections 4 and 7; see also acts additional to this act, February 28, 1803, March 26, 1804, April 12, 1808, December 24, 1811, August 23, 1842.

under sixteen, an officer, who dies from wounds in service.

15. On marriage of the widow, to go to the children.

16. Paymaster to act by directions of the President. To give bond. Oath of office. To appoint paymasters and authorized to require bonds.

26. Corps of engineers organized. Of

whom. Cadets, and pay of. Promotions.

27. The corps of engineers to be stationed at West Point, and to be a military academy, but to do duty when required.

28. The principal engineer to superintend the academy. The secretary of war to procure books, &c.

29. Repeal of laws.

[SEC. 1. Military\* peace establishment.]

[SEC. 2.† Regiments of artillery and infantry‡ organized.]

[SEC. 3. A brigadier-general and aid.§ Paymaster, adjutant and inspector-general. Military agents.|| Surgeons.¶]

SEC. 4. That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier-general, *two hundred and twenty-five dollars*, which shall be his full and entire compensation,\*\* without a right to demand or receive any rations, forage, traveling expenses, or other perquisite or emolument whatsoever, except such stationery as may be requisite for the use of his department; *to the adjutant and †† inspector of the army, thirty-eight dollars* in addition to his pay in the line, and such stationery as shall be requisite for his department; to the paymaster of the army, one hundred and twenty dol-

\* See, for reorganization of the military establishment, the 3 March, 1815, ch. 79, and the 2 March, 1821, ch. 13.

† The artillery corps was reorganized, by the 3 March, 1814, ch 37, § 1 and 2, and the 2 March, 1815, ch. 13.

‡ The infantry were reorganized by the 2 March, 1815, ch. 13, as respects the men, and again by the 23 August, 1842, ch. 186, § 1, which supplies the 5 July, 1838, ch. 142, § 1.

§ There were four brigadiers, by the 3 March, 1815, ch. 79, § 3, and two by the 2 March, 1821, ch. 13, and two additional added by the 18 June, 1846, ch. 29, § 1, and were to be reduced to two, on vacancies, by 19 July, 1848, ch. 104, § 1.

|| Military agents were abolished by the 28 March, 1812, ch. 46, § 13, vol. ii., p. 698.

¶ See, for surgeons, the 2 March, 1821, ch. 13, § 10, and note.

\*\* The brigadier's pay, \$104, by the 12 April, 1808, ch. 43, § 4, and confirmed by the 3 March, 1815, ch. 79, § 4, and re-enacted by the 8th Jan., 1812, ch. 14, § 6.

†† For adjutants and inspectors-general, see the 2 March, 1821, ch. 13, § 6, and notes, by which they are to have the rank and emoluments of colonels of cavalry.

lars, without\* any other emolument, except such stationery as may be requisite in his department and the use of the public office now occupied by him; to the aid-de-camp, in addition to his pay in the line, thirty dollars; each paymaster attached to districts, thirty dollars, and each assistant to such paymaster, ten dollars, in addition to his pay in the line; *to each military agent, seventy-six dollars and no other emolument; to each assistant military agent, eight dollars, in addition to his pay in the line, except the assistant military agents at Pittsburg and Niagara, who shall receive sixteen dollars each, in addition to their pay in the line;* to each colonel,† seventy-five dollars; to each lieutenant-colonel, sixty dollars; to each major, fifty dollars; to each surgeon, forty-five dollars; to each surgeon's mate, thirty dollars; to each adjutant, ten dollars, in addition to his pay in the line; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each ensign, twenty dollars; to each cadet, ten dollars; *to each‡ sergeant-major, nine dollars; to each sergeant, eight dollars; to each corporal, seven dollars; to each teacher of music, eight dollars; to each musician, six dollars; to each artificer, ten dollars; and to each private, five§ dollars.*

SEC. 5. That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a colonel, six rations; a lieutenant-colonel, five rations; a major, four rations; a captain, three|| rations; a lieutenant, two rations; an ensign, two rations; a surgeon, three rations; a surgeon's mate, two rations; a cadet, two rations or money in lieu thereof,

\* Paymasters had forage and rations of a major, by the 2 April, 1800; see for the paymaster-general's salary, the 24 April, 1816, ch. 69, § 3. Paymasters, as to pay and emoluments, are put on the footing of majors of infantry, by the 24 April, 1816, ch. 69, § 3.

† For the pay of the officers of the dragoons, see the 12 April, 1808, ch. 43, § 4.

‡ The parts in italics as to the pay of non-commissioned officers and men, is supplied by the 5 July, 1838, ch. 162, § 16, and 7 July, 1838, ch. 194.

§ Seven dollars to each private, by the 7 July, 1838, ch. 194.

|| And forage for one horse, by the 6 July, 1812, ch. 133.

at the option of the said officers and cadets at the posts respectively, where the rations shall become due; and if at such post supplies are not furnished by contract, then such allowance as shall be deemed equitable,\* having reference to former contracts, and the position of the place in question; and each non-commissioned† officer, musician and private, one ration; *to the commanding officer of each separate‡ post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post;* to the women who may be allowed to any particular corps not exceeding the proportion of four to a company, one ration each; to such matrons and nurses as may be necessarily employed in the hospital, one ration each; and to every commissioned officer who shall keep one servant,§ not a soldier of the line, one additional ration.

SEC. 6.|| [The ration shall consist of, &c.]

SEC. 7.¶ That the following officers shall, whenever forage is not furnished by the public, receive\*\* at the rate of the following sums per month, in lieu thereof; each colonel, twelve dollars; each lieutenant-colonel, eleven dollars; each major, ten dollars; each adjutant, six dollars; each surgeon, ten dollars; and each surgeon's mate, six dollars.

SEC. 8.†† [That every non-commissioned officer, musician

\* The ration is estimated at 20 cents, and 30 cents by act 1857, by the 12 April, 1808, ch. 43, § 6, and the 11 Jan., 1812, ch. 14, § 23. This section (5) of rations is not supplied by the 4th section of April 12, 1808, ch. 43.

† See, for these separate commands, the 23 August, 1842, ch. 186, § 6.

‡ When out of reach of the commander-in-chief, or superior officer in command in the neighborhood. 1 Peters, 293-296, and see 3 How. 566.

§ See now as to servants the 30 March, 1814, ch. 37, § 9 and 10, and n.

|| The ration is repeated by the 8 January, 1812, ch. 14, § 8.

¶ This section supplies the 30 May, 1796, ch. 39, § 14, vol. i. p. 485; see further as to forage, the 12 April, 1808, ch. 43, § 4, the 6 July, 1812, ch. 133, the 28 March, 1812, ch. 46; the 24 April, 1816, ch. 69, § 12; the 3 March, 1845, ch. 65, and the 11 February, 1847, ch. 8, § 4.

\*\* They are entitled to eight dollars for each horse; allowed to all officers, by the 24 April, 1816, ch. 69, § 12.

†† The President is to prescribe the clothing by the 24 April, 1816, ch. 69, § 7, and see the 11 January, 1812, ch. 14, § 9, supplying this section.

and private of the artillery and infantry, shall receive annually the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woolen and two pair of linen overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaiters: and the secretary of war is hereby authorized to cause to be furnished to the paymasters of the respective districts, such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.]

SEC. 9. [The corps arranged and supernumeraries discharged.]

SEC. 10.\* [Governed by the articles of war. Sentences of general courts-martial laid before the President.†]

SEC. 11.‡ [Fee to recruiting officers; height of men;§ enlistments with the consent|| of the parent, &c.; penalty for infringing.]

SEC. 12.¶ [That there shall be allowed and paid to each effective able-bodied citizen, recruited as aforesaid, to serve for the term of five years, a bounty of twelve dollars; but the payment of six dollars of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve.]

SEC. 13. That the said corps shall be paid in such manner that the arrears shall at no time exceed two months, unless the circumstances of the case shall render it unavoidable.

SEC. 14. That if any officer, non-commissioned officer,

\* This provision is supplied by the 10 April, 1806, ch. 20. Art. 101, of the articles of war.

† This requisition of the approbation of the President is re-enacted by the 10 April, 1806, of the articles of war. Art. 65.

‡ The recruiting fee is abolished by the 2 March, 1833, ch. 68, § 5.

§ The clause as to height repealed by the 5 July, 1838, ch. 162, § 30.

|| A similar clause in the act of the 20 January, 1813, was repealed by the 10 Dec., 1814, ch. 10, § 3, vol. iii. p. 147, and see 11 Jan., 1812, ch. 14, § 11.

¶ Supplied by 11 January, 1812, ch. 14, § 12.

musician or private, in the corps composing the peace establishment, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as may be directed by the President of the United States for the time being: *Provided always*, That the compensation to be allowed for such wounds or disabilities to a commissioned officer shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 15.\* That if any commissioned officer in the military peace establishment of the United States, shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to and receive half the monthly pay, to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the time, shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the decease of such child or children.

SEC. 16. That the paymaster shall perform the duties† of his office, agreeable to the direction of the President of the

\* This section of pensions is reaffirmed by the 12 April, 1808, ch. 43, § 5, and the 3 March, 1815, ch. 79, § 7.

† See, as to his duties, the 8 May, 1772, ch. 37, § 3, and the 24 April, 1816, ch. 69, § 4.

United States, for the time being: [*and before he enters on the duties of the same, shall give bonds with good and sufficient sureties, in such sums as the President shall direct\* for the faithful† discharge of his said office*; and shall take an oath to execute the duties thereof with fidelity: and it shall, moreover, be his duty to appoint‡ from the line, with the approbation of the President of the United States, the several paymasters to districts and assistants prescribed by this act; and he is hereby authorized to require the said paymaster to districts, and assistants, to enter into bonds, with good and sufficient surety, for the faithful discharge of their respective duties.]

SEC. 17. § [Military agents to purchase goods for Indians.]

SEC. 18. || [Penalty for desertion.]

SEC. 19. [Persons assisting deserters or purchasing their uniform, fined or imprisoned.]

SEC. 20. [Oath by officers, musicians and privates.]

SEC. 21. ¶ [A judge advocate; allowance to.]

SEC. 22. \*\* [Extra expenses, traveling, and courts martial.]

SEC. 23. †† [No arrest for debt.]

SEC. 24. ‡‡ [Pay and rations to discharged.]

SEC. 25. [Allowance upon discharge to officers deranged.]

SEC. 26. That the President of the United States is hereby authorized and empowered, when he shall deem it expedient, to organize and §§ establish a corps of engineers, to

\* In \$20,000, by the 8 May, 1792, ch. 37, § 3, in such sums as the secretary of war shall direct by the 24 April, 1816, ch. 69, § 6.

† The construction of which is not affected by local laws. 7 Peters, 435-449.

‡ The rest of this section seems to be supplied by the 2 March, 1821, ch. 13, § 9, and 24 April, 1816, ch. 69, § 6. And the acts referred to in the notes to those acts.

§ Office abolished. See n. to § 3.

|| The 18th, 19th, and 20th sections supplied by the 16th, 17th, and 18th sections of the 8 Jan., 1812, ch. 14, and of the articles of war, 10 April, 1806, ch. 20.

¶ A judge advocate is now appointed for the army, by the 2 March, 1849, ch. 83, § 4.

\*\* This extra expense is again provided for by the 11 Jan., 1812, ch. 14, § 20.

†† This exemption from arrest is re-enacted by the 11 Jan., 1812, ch. 14, § 21, and subsequent acts.

‡‡ This section is supplied by the 11 Jan., 1812, ch. 14, § 22, and subsequent acts.

§§ See, for further organization and increase of, the 29 April, 1812, ch. 72, and the 5 July, 1838, ch. 162. It is recognized as it is now by the 2 March, 1821, ch. 13, and for salaries of professors, see the 3 March, 1851, ch. 22.



consist of one engineer with the pay, rank and emoluments\* of a major; two assistant engineers, with the pay, rank and emoluments of captains; two other assistant engineers, with the pay, rank and emoluments of first lieutenants; two other assistant engineers, with the pay, rank and emoluments of second lieutenants; and ten cadets, with the pay of sixteen dollars per month, and two rations per day: and the President of the United States is, in like manner, authorized, when he shall deem it proper, to make such promotions in† the said corps, with a view to particular merit, and without regard to rank, so as not to exceed one colonel, one lieutenant-colonel, two majors, four captains, four first lieutenants, four second lieutenants, and so as that the number of the whole corps shall, at no time, exceed twenty officers and cadets.

SEC. 27.‡ That the said corps, when so organized, shall be stationed at West Point, in the State of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of the said corps, shall be subject, at all times, to do duty in such places, and on such service, as the President of the United States shall direct.

SEC. 28. That the principal engineer, and in his absence the next in rank, shall have the superintendence§ of the said military academy, under the direction of the President of the United States; and the secretary of war is hereby authorized, at the public expense, under such regulations as shall be directed by the President of the United States, to procure the necessary books, implements, and apparatus for the use and benefit of the said institution.

SEC. 29. That so much of any act or acts now in force, as

\* For extra services of a civil nature to allow them extra compensation. 15 Peters, 337, *Gratiet v. The United States*. And for pay of the engineer corps, see same case. 15 Peters, 337. As allowed to the officers of the regiment of dragoons, by the 5 July, 1838, ch. 162, § 2.

† The confining of the selection of the commander to the corps of engineers, is repealed by the 29 April, 1812, ch. 72, § 6, vol. ii. p. 721.

‡ And see 29 April, 1812, ch. 72, § 2.

§ See further of instructors, the 20 July. 1840, ch. 5, § 2, and for the pay of, see 3 March, 1851, ch. 22.

comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

[*Approved, March 16, 1802.*]

May 9, 1794, ch. 24, vol. i. p. 366, supplied.

May 30, 1796, ch. 39, vol. i. p. 483, “

March 3, 1797, ch. 16, vol. i. p. 507, “

March 2, 1799, ch. 27, vol. i. p. 721, “

March 3, 1799, ch. 48, vol. i. p. 749, repealed.

April 12, 1808, ch. 43.

January 11, 1812, ch. 14.

April 24, 1816, ch. 69.

March 2, 1821, ch. 13.

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CHAPTER 13.—Approved, February 28, 1803.—Vol. 2, p. 206.

An Act in addition to an Act, entitled, “An act fixing the Military Peace Establishment of the United States.”

SEC. 1. Two teachers of music to be added to the artillerists, &c.

SEC. 2. The President to appoint a teacher of the French language, and a teacher of drawing, to the corps of engineers, &c.

SEC. 3. The commanding officer of the corps of engineers authorized to enlist for three years one artificer and eighteen men, &c.\*

SEC. 4. The President authorized to allow to the officers mentioned, not exceeding 3,000 dollars for clerk hire, &c.†

\* See act April 29, 1812, sec. 1.

† Superseded by subsequent provisions in the civil list.

## CHAPTER 15.—Approved, March 2, 1803.—Vol. 2, p. 207.

An Act in addition to an Act, entitled “An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.”\*

1. The adjutant-general of the militia in each state, to make returns to the President annually, &c. The secretary of war to give directions to the adjutant-generals, &c., and lay an abstract before Congress annually.

to be constantly provided with arms, etc., after being notified, etc. Notice to muster, according to the laws of a state, etc., deemed a legal notice of enrollment.

2. Citizens duly enrolled in the militia,

3. Quartermasters and chaplains to the militia, etc.

SEC. 1. That it shall be the duty of the adjutant-general of the militia, in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements and ammunition, agreeable to the directions of the act to which this is an addition, to the President of the United States, annually, on or before the first Monday in January, in each year: and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before the first Monday of February, annually.

SEC. 2. That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeable to the direction of the said act, from and after he shall be duly notified of his enrollment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

SEC. 3. That, in addition to the officers provided for by the said act, there shall be, to the militia of each state, one quartermaster-general, to each brigade one quartermaster of brigade, and to each regiment one chaplain.

\* See act of May 8, 1792.

## CHAPTER 20.—Approved, March 3, 1803.—Vol. 2, p. 215.

An Act more effectually to provide for the organization of the Militia of the District of Columbia.

1. Militia of Columbia may be organized by the President of the U. States.
2. May appoint officers to cavalry, artillery, &c. Uniform how to be provided. Conditions of enrolment. Whence he cannot withdraw, under a penalty of ten dollars. Legionary commanders—their duty.
3. Alterations in battalion and company districts, in what cases to be made. Militia districts—how designated.
4. Commanding officers of companies shall regulate duty, and how. Removal of militia men how to be notified. Certificates of service provided. Penalty on refusal of certificate.
5. Officers shall be sworn into office. Oath. Oath how certified.
6. Who shall be enrolled in the militia.
7. Mode of proceeding against delinquents. General courts-martial, how constituted for superior officers. Field-officers and staff. Their powers. Captains and subalterns. Brigade court-martial. Evidence, how to be obtained. Penalties.
8. Courts of inquiry. When and how held. Oath of members. Legionary courts of inquiry. Extraordinary inquiry court. Duties of courts of inquiry. May remit fines and exempt from duty.
9. Clerk and provost marshal, shall be appointed by ballot. List of fines to be kept, and by whom.
10. Fines incurred heretofore, how disposed of.
11. Musters, and at what periods. Muster of inspection in May. Legionary muster in October. Muster to continue one day only. Notice how given, and when. Notices in writing to commanding officers. Penalty on omitting to give notice. Appearance at muster. Forms to be observed in returns. Returns to be certified.
12. Returns of companies, how and when made. Returns of legions.
13. Non-commissioned officers, appointment of. Neglect of duty, penalty on.
14. Officers to meet for training once a year. Training three days, eldest officer shall call the roll. Penalty on non-attendance.
15. Misconduct of officers, how treated.
16. Non-commissioned officers, how treated for misconduct. Penalty.
17. Spectators or bystanders interrupting or insulting, liable to punishment. Parade limits.
18. Officers on duty shall be in uniform. Penalty.
19. Brigade inspector. Legionary staff. Duties of brigade inspector. Penalty on neglect of duty. Adjutant, his duty. Penalty on neglect.
20. Delinquencies, forfeitures, and penalties on. Commanders of corps. Major's neglect. Captain's neglect. Subaltern's neglect. Non-commissioned officer's neglect. Penalties.
21. Fines of persons under age, how paid.
22. Legionary court of inquiry to appoint a collector, and when. Allowance of six per cent. Collector a defaulter, to be sued, and how. Fines not paid, how recoverable. Collector to give bond and security.
23. Fines to be a fund for salaries of officers, musicians, &c., also for furnishing the necessary equipage, &c. Paymaster of the legion shall settle his accounts once in three months. Shall give bond and security. Two and a half per centum allowed on disbursements.
24. President authorized to call forth the militia on an invasion, &c. And to appoint certain officers with pay. Militia when called forth, how governed. Courts-martial. Pay and rations of the

militia. Power of the commanding officer of the district, in case of invasion or insurrection.

25. Arms, &c., always exempt from execution, and persons from civil arrests while in service.

26. Brigadier-generals may employ couriers. Their compensation.

27. Non-commissioned officers and pri-

vates of battalions shall on duty appear in uniforms, or be fined.

28. Courts of inquiry may bind young men and boys to learn military music. Their fathers exempt from militia duties. Courts of inquiry to provide for the musicians. Compensation.

29. Each commissioned officer to be furnished with the articles of war and militia law.

SECTION 1. That it shall and may be lawful for the President of the United States, whenever an increase of the militia of the territory, or other circumstance, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

SEC. 2. That the President of the United States shall, when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expense, as the commanding officer of the brigade, to which they belong, shall determine on and direct; and the said companies shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies: that no person belonging to any battalion company, shall, under color of enlisting into any company, to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer com-

pany, according to law, and shall have produced a certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all such cases to the first battalion court of inquiry, that shall sit thereafter. And the commanders of the respective legions shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached, and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

SEC. 3. That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

SEC. 4. That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of inquiry. The same regulations shall be ob-

SEC. 5. That each and every officer appointed, or who may hereafter be appointed, and commissioned, in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, of the court of the county in which such officer resides,) to wit: "I                      do swear that I will support the constitution of the United States, and faithfully discharge the duties of                      in the                      of the militia of the District of Columbia, to the best of my skill and judgment; so help me God.'" If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

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enroll every able-bodied white male, between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States,) resident within his district; and that in all cases of doubt, respecting the age of any person enrolled or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of inquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enroll every such white male, as aforesaid, and all those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall, without delay, notify such person of the said enrollment, by a proper non-commissioned officer, by whom such notice may be proved.

SEC. 7. That the President of the United States, upon complaint for misconduct, lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major-general or brigadier-general, and order a court-martial to be composed of all the other general officers, field-officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court-martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field-officers. And any major-general or brigadier-general, for misconduct within their own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant-colonel commandant, aid-de-camp, brigade-inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court-martial, for the trial of such lieutenant-colonel commandant, aid-de-camp, brigade-inspector, to be composed of one brigadier-general, and as many lieutenant-colonel commandants, majors, and



captains, as shall make up a number not less than thirteen; and such courts-martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, when approved by the President of the United States. And any brigadier-general, lieutenant-colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade, shall order a brigade court-martial, for the trial of such captain or subaltern, to be composed of one or more field-officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts-martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court-martial, (as the case may be,) shall issue his summonses; and every person so summoned, failing to attend and to give evidence, shall be subject to, and may be tried by a court-martial; and if an officer, may, at the discretion of a court-martial, be cashiered, or fined, not exceeding six months pay, as by law allowed; and if a non-commissioned officer or soldier, or a person not enrolled, to be reported to the court of inquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding forty dollars.

SEC. 8. That there shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act, in such battalion; and such courts of inquiry shall be held in the months of May, August, and November, in each year, at some convenient place within the county, to consist of the

commanding officer of the battalion, and the commanding officers of companies, which shall belong, or be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards by any other member of the court, to him.

“I will truly and faithfully inquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favor, partiality, or affection, so help me God.” The presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon, they shall proceed to hear and determine. And there shall, moreover, be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act, such courts of inquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of inquiry, in every year; and moreover, one legionary court extraordinary, shall be, in like manner appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for appointing a clerk, provost-marshal, and collector, as herein after directed, and for other duties, by this act prescribed; the said legionary courts of inquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer, of every such court of inquiry, to return to the next legionary court of inquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; the said court may also exempt any militia man from duty, on

account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

SEC. 9. That the respective legionary courts of inquiry, shall annually appoint by ballot, a clerk, and provost-marshal, who shall attend the courts herein before directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular routine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by clerk, on which list the collector's receipts shall be taken: the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry, and shall perform all other duties required by this act, and together with the provost-marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

SEC. 10. That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the District of Columbia, and not then returned to the officers thereby authorized to collect the same, shall be returned to the first legionary court of inquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.

SEC. 11. That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrollment, once in every month, except the months of January, February, March, May, October, and December, in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be fixed by the first legionary court of inquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of inquiry may think proper; and there shall be

a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade, to which such battalions respectively belong, at such places as he may think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to be appointed by the commanding officer of the brigade, to which such legion belongs, at such place as he may think most convenient within the legionary district; which said company, battalion, and legionary musters, shall continue one day, and no longer; the time and place of such legionary, company, and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, companies, and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in his company, at least three days before such musters, respectively; the notices to be given by the commanding officers of brigades, legions, battalions, and companies, shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeable to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act, nevertheless all notices publicly given by the commanding officers of companies, at their respective musters, of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such musters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clock in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging

thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover, it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which, to be furnished them by the brigade-inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions shall, at their respective legionary and battalion musters, (as the case may be,) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of inquiry, appointed under this act to take cognizance of, and determine on them: and to each of the said returns, shall be annexed the following certificate, to wit: "I do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred since my last return, having duly examined the same."

SEC. 12. That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant, from time to time: it shall be the duty of commanding officers of battalions, to make like returns to the commanding officers of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade-inspector, within ten days thereafter.

SEC. 13. That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the

commanding officer of his battalion; the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act; and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom, on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.

SEC. 14. That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade-inspector; the days and places of meeting to be fixed on by the commanding officer of the brigade to which the legions belong; the officers thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of inquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

SEC. 15. That any officer who shall be guilty of disobedience, or other misbehavior, when on duty, or shall at any time be guilty of any conduct, unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

SEC. 16. That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to

be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow-soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall moreover, be fined at the discretion of the court of inquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act.

SEC. 17. That if any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

SEC. 18. That all commissioned officers are required to appear in full uniform when on duty, and on failure, shall forfeit and pay five dollars for each offence, to be assessed and appropriated as other fines imposed by this act.

SEC. 19. That a brigade-inspector, to act as brigade-major, and be commissioned with the rank of major, shall be appointed by the President of the United States: and the lieutenant-colonel commandants are hereby authorized to appoint a legionary staff, to consist of one adjutant, one quarter-master, one paymaster, to be taken from the officers of the line, and one surgeon, one surgeon's mate, and also, one sergeant-major, one quarter-master's sergeant, one drum-major, and one fife-major, which appointments shall be evi-

denced by warrants under the hand of the lieutenant-colonel commandant, and it shall be the duty of the brigade-inspector, to attend the brigadier-general when required to receive and execute all orders necessary to carry into effect the provisions of this law, and to attend the annual training of the officers, and at the several legionary and battalion musters, and he shall inspect the several battalions belonging to his brigade, to their respective musters, and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets; and shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President of the United States, and upon refusal or neglect, he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade. And it shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this law, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia, and he, together with the brigade-inspector, shall be allowed such compensation as the legionary courts of inquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

SEC. 20. That the following forfeitures and penalties shall be incurred for delinquencies, viz. By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing



to give notice of a brigade, legionary or battalion muster; to report delinquencies, to make returns of his legion, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into service any militia legally called for, three hundred dollars. By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, any detachment of men or officers as shall be required from time to time by the commanding officer of his legion, or any call from the President of the United States, one hundred and fifty dollars. By a captain, for failing to take an oath, to attend any court, to enroll his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed, to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this act, he shall forfeit and pay for each and every offence and neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the President of the United States, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars. By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each and every such offence he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry. By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he

shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and moreover shall be enrolled in the class destined to perform the next tour of duty: all officers failing as before mentioned, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry. Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutred as the law directs, the court of inquiry before whom the same shall be tried, may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment. Any private at or near the muster ground at any legionary, battalion or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

SEC. 21. That the fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty, in any particular service, by law required of them, shall be paid by the parent, guardian or master.

SEC. 22. That the legionary court of inquiry shall, at their first meeting in each year, appoint by ballot, a collector, who shall proceed to collect all fines assessed by virtue of this act, as also, all fines incurred under the act of Congress, at their last session, empowering the President to organize the militia of the District of Columbia, not previously sent out for collection, upon a list thereof, certified by the clerk of the court of inquiry, and delivered to him in sixteen days after each legionary court of inquiry, who shall give his receipt therefor, and having deducted a commission of six per centum, shall account for, and pay the residue into the hands of the paymaster, in three months thereafter, and in

case of default, to be recovered against the collector, by motion, in any court of record within said district, ten days notice of such motion being given to the collector, at the first legionary or regimental court of inquiry, after the time before limited, for accounting and paying to the paymaster as aforesaid, the fines collected by the collector, he shall make return, and report to said court of inquiry, of such fines as cannot be collected, by reason of the insolvency or want of effects of the delinquent or delinquents; and if the said collector shall fail to account for, and pay into the hands of the paymaster as aforesaid, in the time limited as aforesaid, all the residue of the fines by him collected as aforesaid, the whole amount of such fines, including his commission, shall be recovered against him, by motion, in any court of record within this district, ten days previous notice of such motion being given to said collector, and if such collector shall fail to make return and report as aforesaid, of such fines as he shall be unable to collect by reason of the causes aforesaid, or shall make a false return and report of the same, the whole amount of the same shall be recovered of said collector, in like manner as if he had actually collected the same. And should any person so charged with fines, fail to make payment when called on, the collector is hereby authorized to make distress and sale therefor. The collector shall immediately after his appointment, and before he shall proceed to his collection, give bond and security for the faithful performance of his duty, in such penalty as the court of inquiry may think proper.

SEC. 23. That the fines thus paid into the hands of the paymaster by virtue of this act, shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary; to be adjudged and determined by the legionary courts of inquiry, and all accounts passed by the said court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the

paymaster to pay the same; the paymaster shall keep a regular account of all moneys received and disbursed by him on account of the legion, and shall once in every three months render his accounts, and settle with the court of inquiry. The paymaster shall give bond and security, to be approved of by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as is herein prescribed in the case of a delinquent collector, and shall be allowed a commission of two and an half per centum on the several sums by him disbursed.

SEC. 24. That the President of the United States be authorized and empowered, on an invasion, or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such county, and in such a manner, whether by routine of duty or otherwise, as he may deem proper; and for the accommodation, equipment and support of the militia, so at any time to be called forth, the President of the United States may appoint such quartermasters, commissaries, and other staff, as to him shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the District of Columbia, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts martial shall be held as therein are directed, to be composed of militia officers only, for the trial of any person, in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the President of the United States shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as

are allowed to the militia of the United States. If a sudden invasion shall be made into either county in this district, or in case of an insurrection in either county, the commanding officer of the militia of the district, or of such county, is hereby authorized and required to order out the whole or such part of the militia, as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like manner furnish the same; and in the event of any militia ordered out by a commanding officer of the county, or of the district as herein authorized, such officer shall immediately notify the same, and the cause thereof, to the commanding officer of the district, or to the President of the United States, as the case may require.

SEC. 25. That all arms, ammunition, and equipments of militia, shall be exempted from executions and distress at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

SEC. 26. That the brigadier-generals are hereby empowered and authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps, respecting the militia of the District of Columbia, who shall be exempt from all other militia duty, and shall receive such compensation, as the legionary court of inquiry, in which district such orders may from time to time be delivered, shall think proper, on his producing to the court a certificate of his having discharged the said services.

SEC. 27. That all non-commissioned officers and privates, belonging to battalion companies, shall appear while on duty, uniformly clothed, the color and fashion of which uniforms to be determined on for the respective legions, by the first legionary courts of inquiry which shall be held, and to be approved of by the brigadier-general, provided the ex-

pense of the same, additional to that of usual, ordinary, and cheap clothing, does not exceed five dollars for each person; and every such non-commissioned officer, or drummer, or fifer, or private, appearing at any muster held after three months from the time that such uniforms shall have been determined on, and the order relative thereto shall have been published, in some newspaper within the legionary district, and not wearing the same, shall be fined five dollars for each offence; unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.

SEC. 28. That the respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions; and the father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter; and the several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and the properly instructing all such youths, to be paid from the fund arising from the fines imposed by this act; and the commanding officers of legions, shall cause the drummers and fifers and other musicians of their respective legions, to meet at the same times and places that commissioned officers are required to meet, for the purpose of being trained by the brigade inspector, or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person or persons as he may think proper and

capable to instruct such drummers and fifers, and other musicians. The person so to be employed by the commanding officer of the legion, to be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless an apprentice, shall be allowed during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

SEC. 29. That the secretary of war shall cause a sufficient number of copies of this law, together with the act of congress, more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; and the act of congress for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions; and the articles of war; to be printed and distributed throughout the territory of Columbia, so that every general and field officer therein, and every brigade inspector, and captain, be furnished with one copy each.

[*Approved, March 3, 1803.*]

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CHAPTER 32.—Approved, March 3, 1803.—Vol. 2, p. 241.

An Act directing a detachment from the Militia of the United States, and for erecting certain arsenals.

[EXTRACT.]

[SEC. 5.\* \$25,000 appropriated for erecting one or more arsenals on the western waters, &c.]

\* The residue of this act relates exclusively to detaching a body of militia, and is, therefore, not inserted here.

CHAPTER 39.—Approved, March 26, 1804.—Vol. 2, p. 290.

An Act in addition to "An Act for fixing the Military Peace Establishment of the United States."\*

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| 1. Not exceeding six surgeon's mates may be appointed to be attached to garrisons or posts, &c. | 2. An equivalent in malt liquor, or low wines, may be supplied the troops, instead of rum, &c. |
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SEC. 1. That there shall be appointed, in addition to the surgeon's mates provided for by the "Act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

SEC. 2. That an equivalent in malt liquor, or low wines, may be supplied the troops of the United States, instead of the rum, whiskey, or brandy, which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary for the preservation of their health.

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CHAPTER 48.—Approved, March 26, 1804.—Vol. 2, p. 293.

An Act in relation to the Navy Pension Fund.

SEC. 6. That the commissioners of the navy pension fund, be, and they are hereby authorized and directed, to make such regulations as may to them appear expedient, for the admission of persons on the roll of navy pensions, and for the payment of the pensions.

\* Original act, March 16, 1802.



## CHAPTER 20.—Approved, April 10, 1806.—Vol. 2, p. 259.

## An Act for establishing Rules and Articles for the Government of the Armies of the United States.\*

SEC. 1. Rules and articles by which the armies of the United States are to be governed, after the passing of this act.

ART. 1. Every officer to subscribe these rules and regulations.

2. Officers and soldiers diligently to attend divine service, and behave decently and reverently, under pain of reprimand, fine, &c.

3. Reprimand, fine, &c., for using profane oaths, or execrations, &c.

4. Chaplains absenting themselves, except, &c., liable to fine or discharge, &c.

5. Officers using contemptuous words against the President, Vice-President, Congress, &c., to be cashiered, &c., and non-commissioned officers and soldiers to suffer punishment by sentence of a court-martial.

6. Officers or soldiers behaving with disrespect towards commanding officers, to be punished by judgment of court-martial.

7. Death, &c. for beginning or exciting mutiny, &c.

8. Officers or soldiers, present at a mutiny, and not endeavoring to suppress it, &c., to be punished with death, or otherwise, &c.

9. Officers or soldiers striking a superior, &c., to suffer death, or other punishment, &c.

10. Non-commissioned officers and soldiers to have the articles for the government of the armies read to them, and take an oath, &c. The justice, &c., to give a certificate that the oath was taken.

11. Non-commissioned officers and soldiers not to be dismissed the service without a discharge in writing. No discharge sufficient unless signed by a field officer, &c. No discharge, &c., before the term of service has expired, but by order of the President, &c. Commissioned officers not to be discharged the service, but by order of the President, &c.

12. Colonels, &c., quartered with their regiments, &c., may give furloughs to non-commissioned officers or soldiers, &c. Captains, &c., commanding, &c., may give furloughs to non-commissioned officers or soldiers, for 20 days in six months but not, &c.

13. At every muster the commanding officer, &c., to give to the commissary of musters, certificates, &c., signifying how long officers not appearing have been absent and the reason of it. Commanding officers of troops or companies to give certificates of the absence of privates, &c. The certificates, &c., to be remitted to the department of war, &c.

14. Officers convicted of having signed false certificates, &c. to be cashiered.

15. Officers making false musters, or signing false muster rolls, &c., to be cashiered and disabled to hold any office, &c.

16. Commissaries of musters, &c., convicted of taking money, or other gratification, on mustering, or signing muster rolls, to be displaced, &c.

17. Officers mustering persons as soldiers, who are not soldiers, deemed guilty of a false muster, &c.

18. Officers making false returns to the department of war, &c., to be cashiered.

19. Commanding officers of regiments,

\* These rules and articles, with the exceptions indicated by the notes annexed to articles 20, 65, and 87, remain unaltered and in force at present.

&c., to remit in the beginning of every month, to the department of war, an exact return of the regiment, &c., specifying the names of officers absent, &c. Officers neglecting to send returns, to be punished, &c.

20. Officers and soldiers convicted of desertion, &c., to suffer death or other punishment, &c.

21. Non-commissioned officers or soldiers absenting themselves without leave, to be punished, &c.

22. Non-commissioned officers or soldiers not to enlist in any other regiment, &c., without a regular discharge, &c. Officers knowingly receiving deserters, &c., or not giving notice, &c., to be cashiered.

23. Officers or soldiers persuading others to desert, to suffer death or other punishment, &c.

24. Officers or soldiers using reproachful or provoking speeches, &c., to be put in arrest, or confined, &c.

25. Officers and soldiers neither to send or accept challenges, on pain of being cashiered, or of suffering corporeal punishment, &c.

26. Officers commanding guards, knowingly suffering persons to go forth to fight duels, to be punished as challengers; and seconds, &c. to be deemed principals, &c. Every officer commanding an army, regiment, &c., knowing to a challenge being given, &c., to arrest and bring offenders to a trial, &c.

27. All officers have power to quell quarrels, frays, &c. Whoever refuses to obey, &c., to be punished, &c.

28. Officers or soldiers upbraiding another for refusing a challenge, to be punished as challengers, &c.

29. Sutlers not permitted to sell liquors, &c., after nine at night, nor before beating of reveille, nor on Sundays during divine service, &c.

30. Commanding officers to see that sutlers supply the soldiers with wholesome provisions, &c.

31. Officers commanding in garrisons, forts, &c., not to exact exorbitant prices

for houses, &c., let out to sutlers, nor be interested in the sale of victuals, liquors, &c., on penalty of being discharged.

32. Commanding officers, to keep good order, redress abuses, and see reparation made to the parties injured, &c.

33. When any commissioned officer or soldier is accused of a capital crime, or of having committed any offence against the persons or property of citizens, &c., the commanding officers, &c., are required upon application, &c., to use their utmost endeavors to deliver the accused to the civil magistrate, &c. If any commanding officer, &c., neglects or refuses to deliver over the accused, &c., he is to be cashiered.

34. If any officer think himself wronged by his colonel, &c., and, upon application, is refused redress, he may complain to the general, who is to examine into the complaint, &c.

35. If any inferior officer or soldier think himself wronged by his captain, &c., he is to complain to the commanding officer of the regiment, who is required to summon a regimental court-martial, appeal, &c. If the appeal appear vexatious, the person appealing may be punished, &c.

36. Commissioned officers, store-keepers, &c., convicted of having sold without a proper order, &c., any provisions, forage, arms, &c., or negligently suffered any of them to be spoiled, &c., to make good the loss, forfeit pay, &c.

37. Non-commissioned officers or soldiers convicted of having sold or wasted ammunition, &c., to be punished.

38. Non-commissioned officers or soldiers convicted of having sold, lost, or spoiled, their horses, arms, clothes, &c., to undergo weekly stoppages of pay, &c.

39. Officers convicted of embezzlement or misapplication of money entrusted to them for the payment of men, &c., to be cashiered, and compelled to refund; if non-commissioned officers, to be reduced, &c.

40. Every captain of a troop or com-

pany accountable for the arms, accoutrements, &c. belonging to the company or troop, &c.

41. Non-commissioned officers and soldiers found one mile from camp without leave in writing, &c., to suffer punishment, &c.

42. No officer or soldier to lie out of quarters, &c., without leave, &c.

43. Non-commissioned officers and soldiers to retire to their tents at the beating of the retreat, &c.

44. No officer or soldier to fail in re-appearing to the place of parade, if not prevented by sickness, &c., nor leave it before being regularly dismissed, &c.

45. Any commissioned officer found drunk on guard, &c., to be cashiered; and soldiers, &c., in that case, to suffer corporeal punishment, &c.

46. Sentinels sleeping on their posts, &c., to suffer death, &c.

47. No soldier to hire another to do his duty for him, or be excused but in cases of sickness, &c.

48. Non-commissioned officers conniving at hiring of duty, to be reduced, and commissioned officers, knowing and allowing it, to be punished, &c.

49. Any officer who occasions false alarms in camp, &c., to suffer death, or other punishment.

50. Officers or soldiers, without urgent necessity or leave, quitting guard, &c., to be punished, &c.

51. Officers and soldiers not to do violence to persons bringing provisions to camp, &c., out of the United States, on pain of death, &c.

52. Officers or soldiers who misbehave before the enemy, run away, &c., to suffer death, or other punishment, &c.

53. Persons belonging to the armies making known the watchword, &c., to suffer death, or other punishment.

54. Officers and soldiers to behave orderly in quarters, &c., and such as commit waste, &c., unless by order of the commander-in-chief, &c., to be punished, &c.

55. Whosoever, in foreign parts, forces a safe guard, is to suffer death.

56. Whosoever relieves the enemy with money, victuals, &c., is to suffer death, or other punishment, &c.

57. Death, or other punishment, &c., for holding correspondence with, or giving intelligence to, the enemy, &c.

58. Public stores taken in the enemy's camp, &c., to be secured for the service of the United States, &c.

59. Death, &c., for the officers and soldiers of any garrison, &c., compelling a commander to give up to the enemy, &c.

60. Sutlers and retainers subject to orders, &c.

61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place, &c., according to the ranks given them, &c.

62. If, upon marches, &c., different corps happen to join, &c., the officer highest in rank, &c., to command, unless, &c.

63. Engineers not to assume, nor be subject to, any duty beyond the line of their immediate profession, except, &c.

64. General courts-martial may consist of any number of commissioned officers, from 5 to 13, &c.

65. General officers, or colonels, commanding, &c., may appoint general courts-martial, &c. No sentence of a court-martial to be carried into execution until the proceedings have been laid before the officer ordering it, &c. No sentence of a general court-martial, in time of peace, extending to loss of life, &c., or which, in peace or war, respects a general officer, to be carried into execution until the proceedings have been laid before the President, &c.

66. Officers commanding regiments or corps, may appoint courts-martial, &c., for offences not capital. Officers commanding garrisons, &c., may assemble courts-martial, &c.

67. No garrison or regimental court-martial empowered to try capital cases, &c.

68. Whenever convenient, &c., the officers of marines shall be associated with

officers of the land force, for holding courts-martial, &c.

69. The judge-advocate, &c., to prosecute in the name of the United States, but shall consider himself counsel for the prisoner, so far, &c. The judge-advocate to administer an oath to each member of the court, &c. Form of the oath. The President of the court to administer an oath to the judge-advocate. Form of the judge-advocate's oath.

70. When a prisoner, from obstinacy, &c., stands mute, &c., the court may proceed to trial, &c.

71. When a member is challenged by a prisoner, he must state the cause &c.

72. Members to behave with decency; and the youngest in commission to vote first.

73. Witnesses to be examined on oath. Form of the oath of a witness.

74. In cases not capital, &c., depositions may be taken, and read, &c., provided, the prosecutor and accused are present, &c.

75. No officer to be tried but by a general court-martial, &c. No proceedings except between eight and three, unless, &c.

76. No person to use menacing words or gestures, &c., in presence of a court-martial, &c.

77. When an officer is charged with a crime he is to be arrested, deprived of his sword, &c.

78. Non-commissioned officers and soldiers charged with crimes to be confined until tried, &c.

79. Officers and soldiers in arrest not to continue in confinement more than eight days, &c.

80. No officer commanding a guard, &c., to refuse to receive a prisoner, provided, &c.

81. No officer commanding a guard, &c., to release any person committed to his charge, &c.

82. Officers to whom prisoners are committed, to make report, &c., within twenty-four hours, of their names, crimes, &c.

83. Commissioned officers convicted, &c., of conduct unbecoming an officer, &c., to be dismissed, &c.

84. In cases where a court-martial suspends an officer from command, they are empowered to suspend his pay and emoluments, &c.

85. Where a commissioned officer is cashiered for cowardice or fraud, the crime, name, &c., of the delinquent, to be published, in the newspapers, &c.

86. Where the number of officers is not adequate to form a general court-martial, the commanding officer of the detachment, &c., to report to the commanding officer of the department, &c.

87. No person to be sentenced to death, but by the concurrence of two-thirds of the members of a general court-martial, &c., nor more than fifty lashes to be inflicted.

88. No person liable to be tried and punished by a general court-martial for any offence committed more than two years before, unless, &c.

89. Every officer authorized to order a general court-martial, empowered to pardon or mitigate any punishment, &c., except, &c. The colonel, &c., of a regiment or garrison, &c., may pardon or mitigate, &c.

90. Judge-advocates, &c., to transmit, as expeditiously as possible, the original proceedings and sentences of general courts-martial to the secretary of war, in whose office they shall be preserved. The party tried by a general court-martial entitled to a copy of the sentence, &c.

91. Where the general, &c., may order a court of inquiry, &c., the court to consist of not exceeding three, and a judge-advocate, &c., to be sworn, &c. Courts of inquiry to have the same powers as courts-martial to summon witnesses, &c., but are not to give an opinion unless specially required, &c.

92. Proceedings of courts of inquiry to be authenticated by the signatures of the recorder and president, &c., and may be admitted as evidence by courts-martial in cases not capital, &c., provided,

&c. Courts of inquiry prohibited unless directed by the President, &c.

93. The judge-advocate, &c., to administer an oath to the members. Form of the oath. The president of the court to administer an oath to the judge-advocate. Form of judge-advocate's oath. Witnesses to take the oath, &c.

94. When a commissioned officer dies, &c., the major of the regiment, &c., is immediately to secure all his effects, &c., make an inventory, and transmit it to the war department, &c.

95. When a non-commissioned officer or soldier dies, &c., the commanding officer of the troop, &c., is to take an account of what effects he died possessed of, &c., and transmit it to the department of war, &c., and the effects to be accounted for, &c. In case officers authorized to take care of the effects of deceased officers and soldiers, have occasion to leave the regiment, &c., they are to deposit the effects in the hands of the commanding officer, &c.

96. Officers, &c., in the corps of engineers, &c., to be governed by the preceding rules, &c.

97. Officers and soldiers of any troops, militia or others, being mustered, &c., when acting with regular forces, to be governed by these rules and articles, subject to be tried by courts-martial, &c., save that the courts are to be composed of militia officers.

98. Officers serving by commission from the authority of any particular state, when employed in conjunction with the regular forces, to take rank next after all officers of like grade in the regular forces, &c.

99. All crimes not capital, and all disorders, and neglects, &c., though not mentioned in the preceding articles, to be taken cognizance of by courts-martial.

100. The President empowered to prescribe the uniform of the army.

101. The foregoing articles to be read and published once in every six months, to every garrison or regiment, &c.

Sec. 2. In time of war aliens found lurking about fortifications or the encampments of the armies, to suffer death, &c.

Sec. 3. Rules and regulations by which the armies have been heretofore governed, to be henceforth void, &c., except, &c.

SECTION 1. That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed :

ARTICLE 1. Every officer now in the army of United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service, and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president ; if non-commissioned officers or soldiers, every person so offending shall, for his first offence forfeit one-sixth of a dollar, to be deducted out

of his next pay ; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours ; and for every like offence, shall suffer and pay in like manner ; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article ; and a commissioned officer shall forfeit and pay, for each and every such offence, one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence,) shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence ; or be discharged, as the said court-martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice-President thereof, against the Congress of the United States, or against the Chief Magistrate or legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct ; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

ART. 7. Any officer or soldier who shall begin, excite, cause, or join in, any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial, with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

ART. 10. Every non-commissioned officer or soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following\* oath or affirmation: "I, A B, do solemnly swear, or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them, honestly and faithfully, against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" Which justice, magistrate, or judge-advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

\* Form of the oath, repeated in acts of 11th January, 1812, and July 29, 1813.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing : and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present ; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the secretary of war, the commanding officer of a department, or the sentence of a general court-martial ; nor shall a commissioned officer be discharged the service but by order of the President of the United States, or by sentence of a general court-martial.

ART. 12. Every colonel, or other officer, commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service ; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort or barrack, of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop, or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the names of the respective absent officers and soldiers. The certificates shall,



together with the muster rolls, be remitted, by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted, before a general court-martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters who shall willingly sign, direct, or allow, the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a false return to the department of war; or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command; or of the arms, ammunition, clothing, or other stores, thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through

the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of, their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

ART. 20. All officers and soldiers who have received pay, or have been duly enlisted, in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by sentence of a court-martial, shall be inflicted.\*

ART. 21. Any non-commissioned officer or soldier who shall without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an

\* Modified by act of 29th May, 1830.

officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial.

ART. 26. If any commissioned or non-commissioned officer, commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers, of challengers, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays during divine service or sermon, on the penalty of being dismissed from all future sutling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons, of the United States, are hereby required to see that the persons permitted to sutle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks, of the United States, shall exact exorbitant prices for houses or stalls let out to sutlers, or connive at the like exactions in others; nor, by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessities of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command. If, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating, any person, or disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or

committed any offence, against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person or persons so accused shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall willfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial, either party may, if he thinks himself still aggrieved, appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court-martial.

ART. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted, at a general court-martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier who shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier who shall be convicted, before a court-martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court-martial shall judge sufficient for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted, before a court-martial, of having embezzled or misapplied any money, with which he may have been intrusted for the payment of the men under his command, or for enlisting men into the service, for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court-martial shall direct.

ART. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished, at the discretion of a regimental court-martial.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court-martial.

ART. 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums; or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court-martial shall direct.

ART. 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watch word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.



ART. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished, according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

ART. 55. Whosoever belonging to the armies of the United States, employed in foreign parts, shall force a safe guard shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 57. Whosoever shall be convicted of holding correspondence with, or give intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

ART. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United

States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts-martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

ART. 62. If, upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on, any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, where that number can be convened, without manifest injury to the service.

ART. 65.\* Any general officer commanding an army, or

\* Modified by act of 29th May, 1830, ch. 179, vol. 4, p. 417.

colonel commanding a separate department, may appoint general courts-martial, whenever necessary. But\* no sentence of a court-martial, shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary of war, to be laid before the President of the United States,† for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be.

ART. 66. Every officer commanding a regiment or corps, may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding a month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts-martial and trying offenders belonging to either; and in such cases the orders of the senior of-

\* This supplies the 18th sec. of 30th May, 1796, vol. 1, p. 485.

† This supplies the 16th March, 1802, ch. 9, sec. 10, vol. 1, p. 134.

ficer of either corps, who may be present and duly authorized, shall be received and obeyed.

ART. 69. The judge-advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer, to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial:

“You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will truly administer justice, according to the provisions of ‘An act establishing rules and articles for the government of the armies of the United States,’ without partiality, favor or affection: and if any doubt shall arise, not explained by said articles, according to your conscience; the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God.”

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

“You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in due course of law; nor di-

vulge the sentence of the court to any but the proper authority until it shall be duly disclosed by the same. So help you God.”

ART. 70. When a prisoner arraigned before a general court-martial shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

ART. 72. All the members of a court-martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

ART. 73. All persons who give evidence before a court-martial, are to be examined on oath or affirmation in the following form :

“ You swear or affirm, (as the case may be,) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God.”

ART. 74. On the trials of cases not capital, before courts-martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence : provided, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

ART. 75. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided : nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court-martial.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

ART. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court-martial, or released by proper authority.

ART. 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States ; provided the officer committing shall, at the same time, deliver an account, in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

ART. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

ART. 83. Any commissioned officer, convicted before a

general court-martial, of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 84. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added, in the sentence, that the crime, name, and place of abode and punishment, of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

ART. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 87.\* No person shall be sentenced to suffer death, but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court-martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 88. No person shall be liable to be tried and punished by a general court-martial for any offence which shall

\* So much of these rules and articles as authorizes the infliction of corporeal punishment by stripes or lashes, was specially repealed by act of 16th May, 1812, section 7. By act of 2d March, 1833, the repealing act was repealed, so far as it applied to the crime of desertion, which, of course, revived the punishment by lashes for that offence.

appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 89. Every officer authorized to order a general court-martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court-martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 90. Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary of war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court-martial shall, upon demand thereof, made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

ART. 91. In cases where the general, or commanding officer, may order a court of inquiry, to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and



evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath; but they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer: and the said proceedings may be admitted as evidence by a court-martial, in cases not capital, or extending to the dismissal of an officer: *Provided*, that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

ART. 93. The judge-advocate, or recorder, shall administer to the members the following oath:

“You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.”

After which, the president shall administer to the judge-advocate, or recorder, the following oath:

“You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God.”

The witnesses shall take the same oath as witnesses sworn before a court-martial.

ART. 94. When any commissioned officer shall die, or be killed, in the service of the United States, the major of the regiment, or the officer doing the major's duty in his ab-

sence, or, in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier shall die, or be killed, in the service of the United States, the then commanding officer of the troop, or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid, to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit, in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire, in the service of the artillery, or corps of engineers, of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction, with the regular forces of the

United States, be governed by these rules and articles of war, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces, save only that such courts-martial shall be composed entirely of militia officers.

ART. 98. All officers serving by commission from the authority of any particular state, shall, on all detachments, courts-martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered, or to be mustered, in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be, in said service.

SEC. 2. That, in time of war, all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking, as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court-martial.

SEC. 3. That the rules and regulations by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and re-

specting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them prior to the promulgation of this act, at the several posts and garrisons, respectively, occupied by any part of the army of the United States.

[*Approved, April 10, 1806.*]

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CHAPTER 25.—Approved, April 10, 1806.—Vol. 2, p. 376.

An Act to provide for Persons who were Disabled by known Wounds received in the Revolutionary War.

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| <p>1. Those of the army and navy disabled by wounds in the revolutionary war, to be placed on the pension list.</p> <p>2. Regulations for substantiating claims. Evidence of disability. Extent of. Of service. Claimant's affidavit.</p> <p>3. List of claims to be transmitted to the secretary of war. Statement of to congress by him.</p> <p>4. Pensions to commence.</p> <p>5. Increase of. When. Physicians to</p> | <p>examine, and report to the secretary of war.</p> <p>6. Pensions; of what sums.</p> <p>7. How paid.</p> <p>8. Transfers before due, invalid. Attorney to swear that the pension has not been sold.</p> <p>9. Former acts repealed. Not to affect those on the list.</p> <p>10. This act to last six years. Not to impair, &amp;c.</p> |
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SECTION 1. That any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States; while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission, or took his discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which

served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner hereinafter described, be placed\* on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which, when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for

\* By the secretary of the treasury, by the 25 April, 1808, ch. 58.

which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify, in writing, his opinion of the credibility of the witnesses whose affidavits he shall take, in all those cases where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from to time transmit to Congress,\* with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension lists as shall be found entitled to the privilege. And it shall be the duty of a judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

\* At Washington City, when no agents have been appointed in states, &c., where pensioner resides, 7 Jan. 1809, ch. 4.

SEC. 4. That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

SEC. 5. That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received, during the revolutionary war, in all cases where justice shall require the same: *Provided*, that the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor; which report shall be transmitted by said physicians or surgeons to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

SEC. 6. That a full pension given by this act to a commissioned officer, shall be one-half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

SEC. 7. That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same\* manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations in all respects, as are prescribed by law. •

SEC. 8. That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of disabilities derived from known wounds received in the revolutionary war, shall be and they are hereby repealed: *Provided*, that nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of† six years

\* Under the 18 Mar. 1818, ch. 19, vol. iii. p. 410, and 3 Mar. 1819, ch. 99.

† Continued from time to time. See the recitals in the 4 Feb. 1822, ch. 6, vol. iii. p. 650, and last by the 24 May, 1828, ch. 109, vol. iv. p. 307.



from the passage thereof, and no longer: *Provided*, that this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

[*Approved, April 10, 1806.*]

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CHAPTER 39.—Approved, March 3, 1807.—Vol. 2, p. 443.

An Act authorizing the Employment of the Land and Naval Forces of the United States, in cases of Insurrection.

SEC. 1. That, in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

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CHAPTER 7.—Approved, January 8, 1808.—Vol. 2, p. 453.

An Act supplementary to an Act, entitled “An Act for Fortifying the Ports and Harbors of the United States, and for Building Gun Boats.”\*

[SEC. 1. The President authorized to cause fortifications heretofore built or commenced, &c., to be repaired or completed and other works to be erected, &c. \$1,000,000 additional, appropriated for the purpose, &c.]

\* The act to which this is supplementary, relates chiefly to the building and equipping of gun-boats, and is, therefore, not comprised in this volume.

CHAPTER 42.—Approved, April 2, 1808.—Vol. 2, p. 481.

An Act authorizing the sale of Public Arms.\*

[SEC. 1. The President authorized to cause arms owned by the United States to be sold to individual states, &c. Accounts of sales to be laid before Congress, and the money appropriated to the purchase of other arms, &c. Proviso: the arms not to be delivered to any state until the payment of the purchase money, &c. Proviso: the preceding proviso not to extend to any purchase, &c., made by a state to which the United States are bound to pay a sum of money, &c.]

CHAPTER 43.—Approved, April 12, 1808.—Vol. 2, p. 481.

An Act to raise for a limited time an additional Military Force.†

4. Compensations of officers, soldiers, &c. Officers and riding masters to furnish their own horses. The dragoons to serve as infantry until mounted.	5. Compensation in case of disability as by the act of 1802. Recruiting, size of men, desertion, &c. Extra expense.
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SECTION 1. [Military force raised.‡]

SEC. 2.§ [Regiments and companies organized.]

SEC. 3.|| [Two brigadier-generals and aids—surgeons.]

SEC. 4.¶ That the compensation of the officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall be, viz. to each brigadier-general, one hundred and four dollars per month, twelve

\* See act of March 3, 1825, and July 6, 1798.

† The provisions of this act regarding the organization of the regiment of light artillery, the compensation, subsistence and clothing, of the officers and troops, and those respecting wounds and disabilities, widows and children, and allowances generally, are adopted by act of 3d March, 1815, sections 2, 4, and 7. The residue may be considered as superseded by that act.

‡ Army to be 10,000, by the 3 March, 1815, ch. 79, which see, and n.

§ This organization is supplied by subsequent acts, see the 2 March, 1821, ch. 15; the 30 March, 1814, ch. 37; the 3 Aug., 1842, ch. 186, and the notes to those acts.

|| This section is supplied fully by the 3d section of the 3 March, 1815, ch. 13, and see the 16 March, 1802, § 2, n. 5.

¶ And so of compensation, &c., by 6 July, 1812, ch. 133, § 2, and see, as to equivalent for forage, the 22 July, 1813, ch. 17, and see 16, March, 1802, ch. 9, § 7, and notes 8 and 9. This act as to pay and subsistence is recognized as in force by the acts of the 6 July, 1812, ch. 133, and the 3 March, 1815, ch. 79, § 4, and the 2 March, 1821, ch. 13.

rations per day, or an equivalent in money, and sixteen dollars per month for forage, when not furnished by the public;\* each brigade inspector, thirty dollars per month, in addition to his pay in the line; each brigade quartermaster and aid-de-camp, twenty dollars, and each adjutant regimental quartermaster and paymaster, ten dollars per month, in addition to their pay in the line; and to each six dollars per month for forage, when not furnished as aforesaid; each hospital surgeon, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars per month for forage, when not furnished as aforesaid; each hospital surgeon's mate, forty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid; each hospital steward, twenty dollars per month and two rations per day, or an equivalent in money; each wardmaster, sixteen dollars per month, and two rations per day, or an equivalent in money; to the colonel of light dragoons, ninety dollars per month, six rations per day, and forage for five horses; to the lieutenant-colonel of light dragoons, seventy-five dollars per month, five rations per day, and forage for four horses; to the major of light dragoons, sixty dollars per month, four rations per day, and forage for four horses; to each captain of light dragoons, fifty dollars per month, three rations per day, and forage for three horses; to each lieutenant of light dragoons, thirty-three and one-third dollars per month, two rations per day, and forage for two horses; to each cornet of light dragoons, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses; to the riding master, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses; each saddler and farrier, ten dollars per month, one ration per day, and a suit of uniform clothing annually; and all other officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by

\* Quære: If this takes away his office room and stationery given by the 16 March, 1802, ch. 9, § 4, vol. i, p. 133?

this act, shall receive the like pay, clothing, rations, forage and other emoluments as the officers, cadets, non-commissioned officers, musicians, artificers and privates of the present\* military establishment: *Provided*, the officers and riding master furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses to entitle them to the foregoing allowance for forage, or its equivalent in money: *And provided, also*, that the whole or any part of the regiment of light dragoons shall be liable to serve on foot as light infantry until by order of the President of the United States, horses and accoutrements shall be provided to equip the whole or any part thereof, as mounted dragoons.

SEC. 5. That the officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds and otherwise, incurred in the service, as the officers, cadets, non-commissioned officers, musicians, artificers and privates in the present military establishment, and with them shall be subject to the rules and articles of war which have been established or may be hereafter, by law, be established: and that the provisions of the act, intitled "An act† fixing the military peace establishment of the United States, relative to the widow, child, or children of any commissioned officer who shall die, while in the service of the United States, by reason of any wound received in actual service of the United States, to courts martial, the regulation and *compensation‡ of recruiting officers* the age, *size*,§ qualifications and bounties of recruits, arrears of pay, the bonds and duties of paymasters, penalties for desertion, punishment of persons who shall procure or entice any sol-

\* March 16, 1802, ch. 9, § 4.

† The 16 March, 1802, ch. 9.

‡ This is affirmed by 3 March, 1815, ch. 79, § 7, vol. iii. p. 225; see 16 March, 1802, ch. 9, § 11, and n. 3. The recruiting fee is abolished by the 2 March, 1833, ch. 68, § 5.

§ Fixed by the act of 1802, ch. 9, § 11, at 5 ft. 6 in., but repealed by the 5 July, 1838, ch. 162, § 30, vol. 5. p. 260.

dier to desert,\* or shall purchase from any soldier his arms, uniform, clothing, or any part thereof; and the punishment of any commanding officer of any ship or vessel who shall receive on board of his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians and privates, to the allowance for† extra expense to any commissioned officer in traveling and sitting on general courts-martial, to arrests of non-commissioned officers, musicians and privates for debts, to the allowance to soldiers discharged from service, except by way of punishment, shall be in force and applied to all persons, matters and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same.

SEC. 6.‡ [Ration twenty cents.]

SEC. 7. [Chaplain to each brigade.§]

SEC. 8. [President may appoint in the recess.]

SEC. 9. [Officers to be citizens.]

[*Approved, April 12, 1808.*]

\* See of punishment to desert and enticing to desert the 11 January, 1812, ch. 14, §§ 16 and 17.

† See, for extra expense, the 11 January, 1812, ch. 14, § 20.

‡ The commutation for the ration is re-enacted by the 11 January, 1812, and made 30 cents by ch. 55, 21 February, 1857.

§ See, as to chaplains, the 11 January, 1812, ch. 14, § 24.

## CHAPTER 48.—Approved, April 21, 1808.—Vol. 2, p. 484.

## An Act\* concerning Public Contracts.

1. No member of congress, either directly or indirectly, to undertake, in whole or in part, any contract, &c., with the United States; &c. Any member of congress entering into any contract, &c., contrary to the provisions of this act, liable to a fine of \$3,000, and the contract void, &c. Proviso: sums of money advanced on the part of the United States, to be repaid, or prosecuted for, &c.

2. Nothing herein to extend to any contract, &c., entered into by any incorporated company, for the general benefit, &c., nor to the purchase or sale of bills of exchange, &c.

3. In every contract, &c., an express condition to be inserted that no member of congress shall be admitted, &c.

4. Any officer of the United States, in their behalf, entering into a contract with a member of congress, contrary to the provisions of this act, liable to a fine of \$3,000, &c.

5. The secretaries of the treasury, war, and navy, and the postmaster general, to lay before congress, annually, hereafter, a statement of all contracts, made in their departments during the preceding year, &c.

SECTION 1. That, from and after the passage of this act, no member of congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly, or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute, any such contract or agreement, in the whole or in part, every member so offending shall, for every such offence, upon conviction thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall, moreover, be absolutely void and of no effect:

\* This act is not to be disturbed by the general repealing clause of the post office act of 3d March, 1825, ch. 64, sec. 46, vol. 4, p. 114.

*Provided, nevertheless,* that in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

SEC. 2. That nothing herein contained shall extend, or be construed to extend, to any contract or agreement made, or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange, or other property, by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

SEC. 3. That in every such contract or agreement, to be made or entered into, or accepted, as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

SEC. 4. That if any officer of the United States, on behalf of the United States, shall directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

SEC. 5. That, from and after the passing of this act, it shall be the duty of the secretary of the treasury, secretary of war, secretary of the navy, and the postmaster-general, annually, to lay before Congress a statement of all the con-

tracts which have been made in their respective departments, during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

[*Approved, April 21, 1808.*]

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CHAPTER 55.—Approved, April 23, 1808.—Vol. 2, p. 490.

An Act making provision for Arming and Equipping the whole body of the Militia of the United States.

1. The annual sum of \$200,000 appropriated to provide arms, &c., for the whole body of the militia, &c. | any law restricting the number of workmen in the armories to 100, repealed.

2. The President authorized to purchase sites and erect additional arsenals and manufactories of arms, &c. Proviso : | 3. The arms procured in virtue of this act to be transmitted to the several states and territories, in proportion to the number of effective militia, &c.

SECTION 1. That the annual sum of two hundred thousand dollars be, and the same hereby is, appropriated for the purpose of providing arms and military equipments for the whole body of the militia of the United States,\* either by purchase or manufacture, by and on account of the United States.

SEC. 2. That the President of the United States be, and he hereby is, authorized to purchase sites for, and erect, such additional arsenals and manufactories of arms as he may deem expedient, under the limitations and restrictions† now provided by law: *Provided also*, that so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is, repealed.‡

SEC. 3. That all the arms procured in virtue of this act

\* To District of Columbia by 3d March, 1825, ch. 18.

† The 2d April, 1794, ch. 14, *ante*, and the 7th May, 1800, ch. 46, *ante*.

‡ See April 2, 1794.



shall be transmitted to the several states composing this union, and territories thereof, to each state and territory, respectively, in proportion to the number of the effective militia in each state and territory, and by each state and territory to be distributed to the militia in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

[*Approved, April 23, 1808.*]

CHAPTER 58.—Approved, April 25, 1808.—Vol. 2, p. 496.

An Act concerning Invalid Pensioners.

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| 3. Secretary of war to place on pension list persons disabled in the revolution. | 4. And those disabled in service.<br>5. To be paid as prescribed. |
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SECTION 1. [Persons placed on the pension list.]

SEC. 3. That the secretary at war be, and he is hereby authorized and directed to place on the pension list of the United States, all persons who now remain on the pension list of any of the states, and who were placed on the same in consequence of disability occasioned by known wounds received during the revolutionary war, whether such person or persons served in the land or sea service of the forces of the United States, or of any particular state, in the regular corps, or the militia, or as volunteers: *Provided*, that in no case the pensions allowed to such person or persons, shall exceed the sums specified by the sixth section of an act, intitled “An act\* to provide for persons who were disabled by known wounds received in the revolutionary war,” passed the tenth day of April, one thousand eight hundred and six: *And provided*, that in every case where application shall be made, to have such person or persons placed on the

\* Ch. 25, *ante*.

pension list of the United States, under this law, satisfactory documents from the proper officers of the state, shall be adduced to establish the fact of such person or persons having been placed on the state pension list in consequence of disability occasioned by known wounds received during the revolutionary war.

SEC. 4. That any officer, non-commissioned officer, musician, or private, who has been wounded or disabled since the revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate of compensation, and under such regulations as are prescribed by the act, intituled "An act\* to provide for persons who were disabled by known wounds received in the revolutionary war," passed April the tenth, one thousand eight hundred and six.

SEC. 5. That the pensioners becoming such in virtue of this act, shall be paid in the same manner† as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations in all respects, as are prescribed by the laws of the United States, in such cases provided.

[*Approved, April 25, 1808.*]

\* Ch. 25.

† And at the seat of government, if no pension agents, by the 7th January, 1809.

## CHAPTER 28.—Approved, March 3, 1809.—Vol. 2, p. 535.

An Act further to amend the several acts\* for the establishment and regulation of the Treasury, War, and Navy Departments.

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| <p>1. Warrants charged to appropriations. Payments charged to appropriations. Separate accounts reported to Congress. The President, in the recess, may order appropriation for one, to be applied to another branch of expenditure, and laid before Congress.</p> <p>2. Comptroller to settle accounts. Annual statement of delinquencies to Congress by him.</p> | <p>3. No special agents for purchases and contracts. Appointments during the recess of agents; number and compensation of. Not over one per cent.</p> <p>4. Bonds of. To deposit public money in banks.</p> <p>5. Purchases for supplies, how made. Annual statement of, made to Congress.</p> |
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SECTION 1. That all warrants drawn by the secretary of the treasury, or of war, or of the navy, upon the treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the secretary of the treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the secretary of war, or by the secretary of the navy; and the officers, agents, or other persons, who may be receivers of public moneys, shall render distinct accounts of the application of such moneys according to the appropriation or appropriations under which the same shall have been drawn, and the secretary of war and of the navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropri-

\* See the end of this act for list of acts on the subject of this chapter.

ated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided nevertheless*, that during the recess of Congress, the President of the United States may,\* and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another† branch of expenditure in the same department, in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

SEC. 2. That it shall be the duty of the comptroller of the treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized to direct the auditor of the treasury, and *the accountants of the war and navy departments*, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the treasury, war or navy departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September

\* But appropriations for one year not to be transferred in another year to a different branch of expenditure by the 1 May, 1820, ch. 52, § 4.

The power of transfer of appropriations is repealed as to the navy department, by the 31 Aug. 1842, ch. 286, § 11, and by the 31 Aug. 1852, ch. 109, § 2; and, as to the war department, by the 31 Aug. 1852, ch. 110, § 2, except as to forage, medical and hospital, and quartermaster's departments.

And see, for transfers after two years, to the surplus fund, the 31 Aug. 1852, ch. 108, § 10.

† Except as set forth in the 3 Mar. 1817, ch. 96, or the 1 Mar. 1820, ch. 52, § 4. and see 1 May, 1820, ch. 52, § 4, and the 6 April, 1838, ch. 54, § 1.

then last past, together with a statement of the causes which have prevented the settlement of the accounts, or the recovery of the balances due to the United States.

SEC. 3. That exclusively of the *purveyor*\* of *public supplies*, paymasters of the army, pursers of the navy, *military agents*,† and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner, of moneys for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States with the advice and consent of the senate: *Provided*, that the President may, and he is hereby authorized, in the recess of the senate, to appoint all or any of such agents, which appointments shall be submitted to the senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided*, that the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, *nor in any instance the compensation allowed by law to the purveyor‡ of public supplies*.

SEC. 4. That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, *shall, whenever practicable, keep the public moneys in their hands, in some incorporated bank,§ to be designated for the purpose by*

\* This office of purveyor is abolished by the 28 Mar. 1812, ch. 46, § 9.

† This office of military agents was abolished by the 28 March, 1812, ch. 46, § 18.

‡ See preceding note.

§ See sub-treasury act, 6 Aug. 1846, ch. 90, as to deposit of public moneys.

*the President of the United States*, and shall make monthly returns in such form as may be prescribed by the treasury department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

SEC. 5.\* That all purchases and contracts for supplies or services which are or may, according to law, be made by or under the direction of either the secretary of the treasury, the secretary of war, or the secretary of the navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: And an annual statement of all such contracts and purchases, and also of the expenditure of the moneys appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous claims not otherwise provided for, and paid at the treasury, shall be laid before Congress at the beginning of each year, by the secretary of the proper department.

[*Approved, March 3, 1809.*]

May 8, 1792, ch. 37.      March 3, 1795, ch. 48.

July 16, 1798, ch. 85.      April 21, 1808, ch. 48.

March 3, 1817, ch. 45.      May 1, 1820, ch. 52.

# CHAPTER 33.—Approved, March 3, 1809.—Vol. 2, p. 544.

## An Act authorizing an augmentation of the Marine Corps.

[SEC. 1. The President authorized to cause the marine corps to be augmented, by not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, to be allowed the same pay. &c.†

SEC. 2. After the 3d of March, 1809, all enlistments to be for five years, &c.]

\* How far this act abrogates the 16 July, 1798, ch. 85; quære, *de hoc*.

† See act July 11, 1798, and June 30, 1834.

176 11TH & 12TH CONG., 1ST SESS., CH. 12, 10 & 11; 1809-'12.

CHAPTER 12.—Approved, June 28, 1809.—Vol. 2, p. 552.

An Act to suspend, for a limited time, the Recruiting Service.

SEC. 1. So much of the act to raise an additional military force, as authorizes the enlistment of men for the term of five years, &c., suspended, &c.

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CHAPTER 10.—Approved, Dec. 24, 1811.—Vol. 2, p. 669.

An Act for completing the existing Military Establishment.

SEC. 1. The military establishment,\* &c., to be immediately† completed.

SEC. 2. Sixteen bounty dollars to each effective, able-bodied man, recruited or enlisted, &c. The payment of half the bounty to be deferred, until, &c. Non-commissioned officers and soldiers discharged from service, and who have obtained from the commanding officer, &c., a certificate that they had faithfully performed their duty, &c.; are to be allowed three months' pay in addition, and one hundred and sixty acres of land,‡ which, in case they are killed, or die in the service, are to go to their heirs, &c. Land to be designated, surveyed, &c., at the public expense, &c. §

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CHAPTER 11.—Approved, January 2, 1812.—Vol. 2, p. 670

An Act authorizing the President of the United States to raise Companies of Rangers for the protection of the Frontiers of the United States.

SEC. 1. President at liberty to raise certain companies of rangers when invasion made or threatened. 1812, ch. 119.

SEC. 2. How the said companies are to be constituted.

SEC. 3. Pay, &c., &c.

SEC. 4. Compensation in case of wounds, &c. To be subject to the rules and articles of war. 1802, ch. 9. 1813, ch. 23.

SEC. 5. President may appoint the officers in recess of the senate.

\* See 2 March, 1821, ch. 79.

† By act 12 April, 1808, ch. 43, vol. 2, p. 481, *ante*, p. 163.

‡ The allowance of bounty land increased to three hundred and twenty acres, to all subsequent enlistments, by act of 10th December, 1814.—See section 4.

§ See act of 16th May, 1812, providing for the survey &c., of military bounty lands.

CHAPTER 14.—Approved, Jan. 11, 1812.—Vol. 2, p. 671.

An Act to raise an additional Military Force.

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| <p>5. Officers detached not to lose rank.<br/>         6. Pay, &amp;c., &amp;c., of the major-general, &amp;c., &amp;c.<br/>         8. The ration.<br/>         14. Pensions for wounds, &amp;c. Limitation of allowance for.<br/>         15. Widows and children entitled to.<br/>         16. Desertion, punishment for.<br/>         17. Penalties for enticing soldiers to desert.</p> | <p>18. Oaths.<br/>         20. Extra expense, incurred by officers acting upon courts-martial.<br/>         21. Soldiers, &amp;c., exempt from arrest.<br/>         22. Allowance for returning home discharged.<br/>         23. A ration at 20 cents.<br/>         24. Chaplains, one to each brigade.</p> |
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SECTION 1. [Ten regiments to be raised.]

SEC. 2. [How constituted.\*]

SEC. 3. [Officers.]

SEC. 4. [General officers, &c., &c.† Major-generals and aids. Brigadier-generals. Adjutant-general and assistants. Inspector-general‡ and assistants. Hospital surgeons.]

SEC. 5. That when an officer is detached to serve as brigade-major or aid, or as an assistant to the adjutant-general or inspector-general, on the appointment of a general officer, or as adjutant or quartermaster on the appointment of a colonel, he shall not thereby lose his rank.

SEC. 6.§ That the major-generals respectively shall be entitled to two hundred dollars monthly pay, with twenty dollars allowance for forage monthly, and fifteen rations per day. Their aids-de-camp shall each be entitled to twenty-four dollars monthly, in addition to their pay in the line, and ten dollars monthly for forage, and four rations. The brigadier-generals respectively shall be entitled to one hundred and four dollars|| monthly pay, twelve rations per

\* The army was reorganized by the 2 Mar. 1821, ch. 13, supplying sections 1, 2, 3, 4, of this act. See that act and the notes thereto.

† For the general and staff officers, see the 2 Mar. 1821, ch. 13.

‡ As to inspectors-general, see the 23 Aug. 1842, ch. 186, § 4, and note.

§ This compensation as to majors-general, is continued by the 3 Mar. 1815, ch. 79, § 4, vol. 3, p. 225, and see the 16 Mar. 1802, ch. 9, § 1, note 8, *ante*.

|| This is the compensation as allowed to brigadiers, by the 12 Ap., 1808, ch. 43, § 4, vol. 2, p. 482, and directed to be followed by 3 Mar. 1815, ch. 79, § 4, vol. 3, p. 225.



day and sixteen dollars per month for forage when not found by the public.

SEC. 7.\* [Pay, &c., of these troops as others.]

SEC. 8.† That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey, or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

SEC. 9.‡ [Clothing. Secretary of war to provide surplus clothing.]

SEC. 10.§ [Articles of war in force.]

SEC. 11. [To officers for recruiting.¶ No enlistment of minors without consent of parents, &c.¶¶]

SEC. 12.\*\* [Bounty enlistment, \$16. Three months pay and one hundred and sixty acres.]

SEC. 13.†† [No arrears over two months.]

SEC. 14.‡‡ That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall

\* The 3 Mar. 1815, ch. 79, § 4, directs the pay, &c., to be according to the act of 1802, ch. 9, and 1808, ch. 43.

† See malt liquor, or low wines substituted for, by the 26 Mar. 1804, ch. 39, vol. 1, p. 290, and see now, for sugar and coffee, the 5 July, 1838, ch. 162, § 17.

‡ By the 24 April, 1816, ch. 69, § 7, the President is to prescribe the quantity and kind of clothing.

§ This provision of subjection to the articles of war only applies to "said corps," raised under this act, and is made general by the 2 Mar. 1821, ch. 13, § 11.

¶ Four dollars, by the 20 Jan. 1813, ch. 12, § 5, vol. 2, p. 792; but the act seems temporary. The recruiting fee is abolished by the 2 Mar. 1833, ch. 68, § 5.

¶¶ This clause was repeated by the 20 Jan. 1813, ch. 12, § 5, vol. 2, p. 792, but is repealed by the 10 Dec. 1814, ch. 10, § 3, vol. 3, p. 147.

\*\* This provision as to bounty in pay and in land was increased by the 10 Dec. 1814, ch. 10, § 4, vol. 3, p. 147, to three hundred and sixty acres, but bounties to recruits were repealed by the 2 Mar. 1833, ch. 68, vol. 4, p. 647. See, for appropriations of land for these bounty lands, the 24 Dec. 1811, ch. 10, note 1.

†† This section as to arrears of pay is confined to the "said corps."

‡‡ These provisions as to pensions of the 14th and 15th sections, are similar to those of the 14th and 15th sections of the 16 Mar. 1802, ch. 9, *ante*, but seem to be broader, and they are in a sort of a way re-enacted by the 29 Jan. 1813, ch. 16, vol. 2, p. 795, which provision of the act of 1813, may have been only temporary, and may be not. They are repeated in the 2 Feb. 1813.

be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the persons so disabled to receive an allowance proportionate to the highest disability.

SEC. 15. That if any commissioned officer in the military establishment of the United States, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the decease of such child or children.

SEC. 16.\* That if any non-commissioned officer, musician or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

\* This provision of desertion is re-enacted by the 29 Jan. 1813, ch. 16, § 12.

SEC. 17. That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States, to desert; or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel who shall enter on board such ship or vessel as one of his crew, knowing him to have deserted or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, and be imprisoned any term not exceeding one year.

SEC. 18.\* That every officer, non-commissioned officer, musician and private, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear, or affirm, (as the case may be,) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 19.† [Judge-advocate.]

SEC. 20.‡ That where any commissioned officer shall be obliged to incur any extra expense in traveling and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

SEC. 21. That no non-commissioned officer, musician or private, during the term of his service, shall be arrested on mesne process, or taken or charged in execution for any debt or debts contracted before enlistment, which were severally

\* The oath is re-enacted by the act of 29 Jan. 1813, ch. 16, § 13.

† Appointed "For the Army," by the 2 Mar. 1849, ch. 83, § 4, p. 351.

‡ This provision of extra expense is re-enacted by the 29 Jan. 1813, ch. 16, § 14.

under twenty dollars at the time of contracting the same, nor for any debt whatever contracted after enlistment.

SEC. 22.\* That whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

SEC. 23. That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.†

SEC. 24.‡ That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

[Approved, January 11, 1812.]

CHAPTER 21.—Approved, Feb. 6, 1812.—Vol. 2, p. 676.

An Act authorizing the President of the United States to accept and organize certain Volunteer Military Corps.

5. Volunteers may be placed on pension list in certain cases. Proportionable rates of pension. Proviso.

SEC. 5. That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalid pensioners of the United States, at such rate of pension, and under such regulations as are, or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate

\* This provision of allowance on discharge is re-enacted by the 29 Jan. 1813, ch. 16, § 15.

† 30 cents by 1857.

‡ One for West Point, by the 14 April, 1818, ch. 61, § 2, vol. 3, p. 426. This § 24, as to chaplains, is re-enacted by the 29 Jan. 1813, ch. 16.

of disability, half the monthly pay of such officer, at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel: and that the rate of pension to non-commissioned officers, musicians and privates, shall not exceed five\* dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

[*Approved, February 6, 1812.*]

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CHAPTER 31.—Approved, February 24, 1812.—Vol. 2, p. 685.

An Act supplementary to "An Act to raise, for a limited time, an additional Military Force," passed on the twelfth day of April, one thousand eight hundred and eight.†

[SEC. 1. When, in the opinion of the President, it is expedient to mount the light artillery, horses and accoutrements are to be provided, &c. When the non-commissioned officers, privates, &c., are equipped, the officers to be entitled to the same forage, &c., as in the regiment of light dragoons. Proviso: the officers to furnish their own horses, &c., and keep them in service.

SEC. 2. When the light artillery are ordered to be mounted, a saddler and a farrier allowed to each company, with the same pay, &c.]

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CHAPTER 42.—Approved, March 17, 1812.—Vol. 2, p. 695.

An Act supplementary to "An Act to raise an additional Military Force."‡

SEC. 1. The non-commissioned officers, privates, &c., of the light dragoons to receive the same uniform clothing as is provided for the artillery and infantry, except, &c.

SEC. 2. The non-commissioned officers, privates, &c., of the artillery, to receive the same clothing as the light dragoons, &c.

SEC. 3. All officers, except general officers, appointed under the act mentioned, to take rank as the President directs, &c.

\* Increased to eight dollars.

† See original act, April 12, 1808.

‡ For original act, see January 11, 1812, with the note thereto.

CHAPTER 46.—Approved, March 28, 1812.—Vol. 2, p. 696.

An Act to establish a Quartermaster's Department, and for other purposes.

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| 1. Quartermaster's department.                      | 4. Commissary general of purchases |
| 2. Rank, pay, &c., of the quartermas- and deputies. |                                    |
| ter-general, &c., &c. Compensation of               | 5. Their duties, &c., &c.          |
| deputy quartermasters.                              | 9. Office of purveyor abolished.   |
| 3. Duties of the department.                        | 10. Letters, &c., to be free.      |

SECTION 1. That there be, and hereby is, established a quartermaster's department for the army of the United States, to consist\* of a quartermaster general, *four deputy quartermasters, and as many assistant deputy quartermasters, as, in the opinion of the President of the United States, the public service may require*; the quartermaster general and deputy quartermasters to be appointed by the President, by and with the advice and consent of the Senate; and the assistant deputy quartermasters by the President alone. And he hereby is authorized moreover to appoint such additional number of deputy quartermasters, not exceeding four, to be taken from the line or not, at his discretion, as in his judgment the public service may require.

SEC. 2. That the quartermaster general shall be entitled to the rank, pay and emoluments† of a brigadier general, (under the act‡ of the twelfth of April, one thousand eight hundred and eight,) with forage for two additional horses; the *deputy*

\* During the absence of the quartermaster-general the President may appoint some one to perform his duties, by the 4 July, 1836, ch. 356.

This section (1) as to subordinate officers seems to be entirely changed as to the number of officers, by the 2 March, 1821, ch. 13, § 7.

For additional appointments to, see 2 March, 1821, ch. 13, § 7; the 18 March, 1826, ch. 74, § 4, and the 5 July, 1838, ch. 162, § 9.

The appointments in the quartermaster's department to be taken from the army by the 5 July, 1838, ch. 162, § 9.

† An allowance for office rent, fuel, &c., by the secretary at war, by the 22 May, 1812, ch. 92, § 4.

‡ Ch. 43, § 4, viz. \$104 per month, 12 rations a day, or an equivalent in money, and \$16 per month for forage, when not supplied by the public.

*quartermasters when not taken from the line,\* shall be entitled to receive sixty dollars per month, five rations per day and forage for two horses, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision; the assistant deputy quartermasters, when not taken from the line, shall be entitled to and receive forty dollars per month, three rations per day, and forage for one horse, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision.*

SEC. 3. That in addition† to their duties in the field, it shall be the duty of the quartermaster general, his deputies, and assistant deputies, when thereto directed by the secretary of war, to purchase military stores, camp equipage and other articles requisite for the troops, and generally to procure and provide means of transport for the army, its stores, artillery and camp equipage. That the quartermaster general shall account as often as may be required, and at least once in three months, with the department of war, in such manner as shall be prescribed, for all property which may pass through his hands, or the hands of the subordinate officers in his department, or that may be in his or their care or possession, and for all moneys which he or they may expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department, and that he, his deputies and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof.

SEC. 4. That there shall be a commissary general‡ of purchases, and as many deputy commissaries, as, in the opinion of the President of the United States, the public service may require, to be appointed by the President, by and with the advice and consent of the Senate.

\* The latter part of this section (2) seems entirely repealed by the 2 March, 1821, ch. 13, § 7.

† See, for further duties and accountabilities, the 3 March, 1813, ch. 48; the 3 March, 1817, ch. 45, and the 18 May, 1826, ch. 74.

‡ This office abolished, and its duties transferred to the quartermaster's department, by 23 Aug. 1842, ch. 186, § 3, vol. 5, p. 513.

SEC. 5. That it shall be the duty of *the commissary general of purchases*, under the direction and supervision of the secretary of war, to conduct the procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States; and it shall be the duty of the deputy commissaries, when directed thereto, either by the secretary of war, *the commissary general of purchases*, or, in cases of necessity, by the commanding general, quartermaster general, or deputy quartermasters, to purchase all such of the aforesaid articles as may be requisite for the military service of the United States.

SEC. 6.\*-[Quartermaster general and commissary general inhibited from trade.]

SEC. 7. [Compensation of the commissary general of purchases.]

SEC. 8. [To give bond.]

SEC. 9. That from and after the last day of May next, so much of the act, entitled, “An act† to establish the office of purveyor of public supplies,” as relates to the appointment and services of a purveyor of public supplies, be, and the same is hereby repealed; and in the mean time, the purveyor shall deliver over to the commissary general or one of his deputies, the public stores and property of all sorts in his possession, who shall receipt to him for the same.

SEC. 10. That all letters and packets to and from the quartermaster general and commissary general, shall be free§ from postage.

SEC. 11.|| [Compensation of clerks.]

SEC. 12.¶ [Wagon masters.]

\* This section is repealed and supplied by the 22 May, 1812, ch. 92, §§ 1 & 5.

† The 23 Feb. 1795, ch. 27, vol. i. p. 419.

§ See the 3 March, 1845, ch. 64, § 5, abolishing franking and requiring the bureaus to pay.

|| This section (11) seems supplied by the subsequent acts, and the 3 March, 1853, ch. 97, § 3.

¶ The 12th, 13th, 14th, 15th, and 16th sections of this act relating to wagon and forage masters are supplied by the 5 July, 1838, ch. 162, § 10.



SEC. 13. [Not to deal in wagons, &c.]

SEC. 14. [Pay of.]

SEC. 15. [Forage-masters not to trade in forage.]

SEC. 16. [Pay of.]

SEC. 17. [Conductors\* of artillery.]

SEC. 18. [Act† establishing military agents repealed.]

SEC. 19. [All except commissioners subject to the rules.]

SEC. 20. [President may appoint in recess.]

[*Approved, March 28, 1812.*]

March 2, 1821, ch. 13, and list of army acts there.

May 22, 1812, ch. 46. April 14, 1818, ch. 61.

May 18, 1826, ch. 74.

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CHAPTER 53.—Approved, April 8, 1812.—Vol. 2, p. 704.

An Act in addition to the Act, entitled “An Act to raise an additional Military Force,” passed January the eleventh, one thousand eight hundred and twelve.†

SEC. 1. The President of the United States empowered to cause to be enlisted, for the term of eighteen months, unless, &c., such part of the light dragoons, artillery, &c., authorized by the act mentioned. Proviso: the whole number to be enlisted for eighteen months not to exceed fifteen thousand, &c.

SEC. 2. The non-commissioned officers, privates, &c., to be entitled to the bounty of sixteen dollars, &c., except the bounty in land, &c.

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CHAPTER 54.—Approved, April 10, 1812.—Vol. 2, p. 704.

An Act for the relief of the Officers and Soldiers who served in the late campaign on the Wabash.

1. Officers and soldiers to receive compensation as allowed to militia called into actual service.

2. Pensions to wounded officers and soldiers, and to the families of such as

were killed. In case of death or marriage of widow, half pension to go to children under sixteen years. Limitation of amount.

3. Pensions to be in proportion to the

\* Conductors of artillery are omitted in subsequent acts, organizing the artillery, of 1814, 1815, and 2 March, 1821, ch. 13, § 1.

† The 16 March, 1802, ch. 9, § 3.

‡ See original act, January 11, 1812, with the note thereon.

wounds, &c. Compensation for disabilities not to exceed half monthly pay.	5. Further time given to such as were wounded, or to the representatives of those killed, to make payment for public lands.
4. Horses killed in the battle of the Wabash to be paid for.	

SEC. 1. That the officers, according to the rank assigned them by Governor Harrison, and which they held on the seventh day of November, one thousand eight hundred and eleven, the non-commissioned officers and soldiers of the volunteers and militia, and the legal representatives of those who were killed or died of their wounds, composing the army that served in the late campaign on the Wabash against the hostile Indians, shall receive the same compensation which is allowed by law to the militia of the United States when called into the actual service of the United States.

SEC. 2. That the officers, according to the rank which they held as aforesaid, the non-commissioned officers and soldiers, of the volunteers or militia, who served in the said campaign, and who were killed or died of wounds received in said service, leaving a widow, or if no widow, shall have left a child or children, under the age of sixteen years, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay to which the deceased was entitled at the time of his death, or receiving the wound of which he died, for and during the term of five years; and in case of the death or intermarriage of such widow, before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer or soldier, whilst under the age of sixteen years; and in like manner the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, that no greater sum shall be allowed in any case to the widow or to the child or children of any officer than the half pay of a lieutenant-colonel.

SEC. 3. That every officer, according to the rank which he held as aforesaid, non-commissioned officer and private,

of the volunteers and militia, who served in the said campaign, and who have been disabled by known wounds received in said service, shall be placed on the list of invalids of the United States, at such rate of pension as shall be directed by the President of the United States, upon satisfactory proof of such wound and disability being produced to the secretary of war, agreeably to such rules as he may prescribe: *Provided*, that the rate of compensation for such wounds and disabilities shall never, for the highest disability, exceed half the monthly pay of such officer, at the time of being so wounded or disabled, and that the rate of compensation to a non-commissioned officer and private, shall never exceed five\* dollars per month; and all inferior disabilities shall entitle the person so disabled, to receive a sum in proportion to the highest disability; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

SEC. 4. That any person or persons belonging to the said army, who may have had a horse or horses killed or lost during the late battle on the Wabash, shall be entitled to, and receive the value thereof: *Provided*, that the proof of the value of such horse or horses shall be by affidavit of the quartermaster of the corps to which the owner may have belonged, or of two other credible witnesses.

SEC. 5. That to the heirs or legal representatives of every person who was killed, and to every person who was wounded in the said campaign, who were purchasers of public lands of the United States, and whose lands had not, before the seventh of November, one thousand eight hundred and eleven, been actually sold or reverted to the United States, for the non-payment of part of the purchase money, a further time of three years shall be allowed, in addition to the time allowed by former laws, to complete their payments: which further time of three years shall commence from the respective times when their payments should have been completed according to former laws.

[*Approved, April 10, 1812.*]

\* Increased to eight dollars.

CHAPTER 59.—Approved, April 23, 1812.—Vol. 2, p. 710.

An Act for the organization of a Corps of Artificers.\*

SEC. 1. A corps of artificers to be attached to the quartermaster-general's department, &c. Organization of the corps of artificers.

SEC. 2. Pay, &c., of the superintendent of artificers, assistants, &c.

SEC. 3. The superintendent to report once a month to the quartermaster-general, make out the pay roll on oath, &c., execute all orders, &c.

SEC. 4. The corps to be engaged for three years, unless, &c.

SEC. 5. \$30,000 appropriated for defraying the expense that may be incurred under this act, &c.

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CHAPTER 72.—Approved, April 29, 1812.—Vol. 2, p. 720.

An Act making further provision for the Corps of Engineers.†

1. Officers to be added to the corps of engineers. A company of bombardiers, sappers, and miners, to be formed, to be officered from the corps of engineers, &c. Non-commissioned officers, artificers, &c., allowed the same pay, &c., as in the regiment of artillerists.

2. The military academy to consist of the corps of engineers, and, in addition to the teachers of French and drawing, of a professor of natural and experimental philosophy, a professor of mathematics, a professor of the art of engineering, with assistant professors, &c. Proviso: nothing herein to entitle the academical staff to any command in the army, separate, &c.

3. The cadets not to exceed 250. Regulations concerning the organization, dis-

cipline, age, qualifications, and term of service of cadets.

4. When a cadet receives a regular degree, &c., he is to be considered as among the candidates for a commission, &c., and when there is no vacancy in a corps, he may be attached to it as a supernumerary officer, &c. Proviso: not more than one supernumerary officer to one company.

5. \$25,000 appropriated for erecting buildings, providing apparatus, a library, &c.

6. So much of the 26th section of the act fixing the military peace establishment as confines the selection of the commander, &c., to the corps of engineers, repealed.

SECTION 1. That there be added to the corps of engineers two captains, two first lieutenants, two second lieutenants, with the usual pay and emoluments, according to their grades, respectively, and one paymaster, *to be taken from*

\* Superseded by act of 3d March, 1815.

† See act of 16th March, 1802, section 26.

*the subalterns of engineers,\** with the pay and emoluments of a regimental paymaster; and that there be attached to the said corps, either from the troops now in service, or by new enlistments, as the President of the United States may direct, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers, and sixty-two men, which non-commissioned officers, musicians, artificers and men, together with the artificers and men already belonging to the corps of engineers, shall be formed into a company, to be styled a company of bombardiers, sappers, and miners, and be officered from the corps of engineers, according as the commanding officer of that corps may, with the approbation of the President of the United States, direct; and the said non-commissioned officers, musicians, artificers, and men, shall be allowed the same pay and emoluments as are allowed to the non-commissioned officers, musicians, artificers, and men, in the regiment of artillerists.

SEC. 2. That the military academy shall consist of the corps of engineers, and the following professors,† in addition to the teachers of the French language and drawing already provided, viz. one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant-colonel, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall be equal to those of a major; one professor of the art of engineering in all its branches, with the pay and emoluments as shall equal those of a lieutenant-colonel; one professor of mathematics, with the pay and emoluments of a major, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or

\* Words in italics repealed 5th July, 1838, ch. 162, section 3.

† See for salaries instead of pay, &c., 3d March, 1851, ch. 22.

emoluments, while performing these duties: *Provided*, that nothing herein contained shall entitle the academical staff, as such, to any command in the army separate from the academy.

SEC. 3. That the cadets, heretofore appointed in the service of the United States, whether of artillery, cavalry, riflemen, or infantry, or that may in future be appointed as hereinafter provided, shall at no time exceed two hundred and fifty: that they may be attached, at the discretion of the President of the United States, as students to the military academy, and be subject to the established regulations thereof; that they shall be arranged into companies of non-commissioned officers and privates, according to the directions of the commandant of engineers, and be officered from the said corps, for the purpose of military instruction; that there shall be added to each company of cadets four musicians; and the said corps shall be trained and taught all the duties of a private, non-commissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen, nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve *five*\* years, unless sooner discharged; and all such cadets shall be entitled to and receive the pay and emoluments now allowed by law to cadets in the corps of engineers.

SEC. 4. That when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be judged competent to perform; and in case there shall not, at the time, be a vacancy in such corps, he may be at-

\* Eight years by 5th July, 1838, ch. 162.

tached to it at the discretion of the President of the United States, by brevet of the lowest grade, as a supernumerary officer, with the usual pay and emoluments of such grade, until a vacancy shall happen: *Provided*, that there shall not be more than one supernumerary officer to any one\* company at the same time.

SEC. 5. That the sum of twenty-five thousand dollars, be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for erecting buildings, and for providing an apparatus, a library, and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for such an institution.

SEC. 6. That so much of the twenty-sixth section of the act, entitled "An act fixing the military peace establishment," passed the sixteenth day of March, one thousand eight hundred and two, as confines the selection of the commander of the corps of engineers to the said corps be, and the same is hereby repealed.

[*Approved, April 29, 1812.*]

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## CHAPTER 77.—Approved, May 6, 1812.—Vol. 2, p. 728.

An Act to provide for designating, surveying and † granting the Military Bounty Lands.

4. Claims for military bounties not as- | No assignment, mortgage, &c., before  
signable. | patent valid.

SECTION 1. [Lands for military bounty not over six millions of acres in Michigan, ‡ Illinois, and Louisiana. Salt springs and lead mines and section 16 excepted. As by the 24 Dec., § 1811, ch. 10, sec. 2, and the 11 Jan., 1812, ch. 14.]]

\* This will allow 159; the number attached to the army is 66.—See President's Message, '53-4, part 2, p. 3; see 4th August, 1854, ch. 247, section 5.

† For Mr. Peters' list of acts on this subject, see vol. 2, p. 728, u. (a.)

‡ These two millions not to be surveyed in Michigan, but in Missouri and Illinois, by the 29 April, 1816, ch. 164, vol. 3, p. 667.

§ The 24 Dec. 1811, ch. 10, vol. 2, p. 694.

|| Ch. 14, ante.

SEC. 2. [Warrants by the secretary of war, within five\* years.]

SEC. 3. [Claims determined by lot. Patents for.]

SEC. 4. That no claim for the military land bounties aforesaid shall be assignable or transferable in any manner whatever, until after a patent shall have been granted in the manner aforesaid. All sales, mortgages, contracts, or agreements, of any nature whatever, made prior thereto, for the purpose, or with intent of alienating, pledging or mortgaging any such claim, are hereby declared and shall be held null and void; nor shall any tract of land, granted as aforesaid, be liable to be taken in execution, or sold on account of any such sale, mortgage, contract or agreement, or on account of any debt contracted prior to the date of the patent, either by the person originally entitled to the land, or by his heirs or legal representatives, or by virtue of any process, or suit at law, or judgment of court against a person entitled to receive his patent as aforesaid.

[*Approved, May 6, 1812.*]

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CHAPTER 83.—Approved, May 14, 1812.—Vol. 2, p. 732.

An Act for the better regulation of the Ordnance.†

SEC. 1. An ordnance department established, to consist of a commissary-general, assistant, deputies, &c.

SEC. 2. The commissary-general authorized to employ wheelwrights, &c.

SEC. 3. Rank, pay, and emoluments of the commissary-general, assistant, deputies, &c.

SEC. 4. Pay, &c., of wheelwrights, carriage-makers, &c.

SEC. 5. Duties of the commissary-general of ordnance.

SEC. 6. The commissary-general of ordnance to execute all orders issued by the secretary of war; and, in time of war, the orders of any general officer, &c.

\* This section (2) extended for five years, by the 24 Feb. 1819, ch. 41, § 1, vol. 3, p. 487, and from time to time till 2 March, 1827, ch. 35, and the 5 Feb. 1829, ch. 14, vol. 4, p. 333. The time for application extended to heirs, &c., by the 27 March, 1818, ch. 23.

† Repealed and supplied by act of 8th February, 1815.



SEC. 7. The commissary-general of ordnance to transmit, half yearly, a correct return of all ordnance, ammunition, &c., with a statement, &c.

SEC. 8. The superintendents of military stores, keepers of magazines, &c., to make, half yearly, correct returns to the commissary-general, and the assistant commissary-general to execute all orders, &c.

SEC. 9. The commissary-general of ordnance to make a correct report, from time to time, of artificers and laborers employed, &c.

SEC. 10. \$20,000 appropriated for defraying the expense that may be incurred under this act, &c.

[*Approved, May 14, 1812.*]

## CHAPTER 86.—Approved, May 16, 1812.—Vol. 2, p. 735.

An Act making further provision for the Army of the United States.

5. Commanding general a secretary from the line.

7. Whipping abolished.

SECTION 1. [District\* paymasters.]

SEC. 2. [Paymaster to each regiment.]

SEC. 3. [Sub-inspectors.]

SEC. 4. [Brigade majors.]

SEC. 5. That the general, commanding the army of the United States, shall be allowed a secretary, to be taken from the line of the army, who shall receive twenty-four dollars per month in addition to his pay in the line, and shall be allowed forage for two horses.

SEC. 6. [Drivers of artillery.]

SEC. 7. That so much of the “act† for establishing rules and articles for the government of the armies of the United States,” as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same hereby‡ is repealed.

\* These sections (1, 2, 3, 4, and 6,) as to paymasters and inspectors, &c., are supplied by the 2 March, 1821, ch. 13, § 7.

† April 10, 1806, ch. 20, art. 87.

‡ Unless on conviction by a general court-martial, by the 2 March, 1833, ch. 68

CHAPTER 92.—Approved, May 22, 1812.—Vol. 2, p. 742.

An Act to amend an Act, entitled “An\* Act to establish a Quartermaster’s Department, and for other purposes.”

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|---|--|
| 1. No private trade by the quartermaster-general, &c. | secretary of war to quartermaster-general. |
| 2. Barrack-masters. Pay of.                           |  |
| 3. Contingent expenses allowed by                     |  |
|   | 4. Quartermaster to give bond.             |

SECTION 1. That† neither the quartermaster-general, the commissary-general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, any article intended for, making a part of, or appertaining to their respective departments, except for, and on account of the United States; nor shall they, or either of them, take or apply to his or their own use, any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

SEC. 2. That the quartermaster-general be, and he is hereby, empowered to appoint one principal barrack-master, and as many deputy barrack-masters, as may from time to time be necessary, not exceeding one to each separate barrack or cantonment: which said principal barrack-master shall be entitled to receive the same pay, rations and emoluments as the principal forage-master: and each of his deputies, the same pay, rations and emoluments as is by law allowed to a deputy forage-master.

SEC. 3. That in addition to the allowance made to the quartermaster-general and commissary-general respectively, in and by the act hereby amended, it shall and may be lawful for the secretary for the department of war, for the time being, to allow to them respectively, such sums as

\* March 28, 1812, ch. 46, vol. 2, p. 696, and see 18 May, 1826, ch. 74.

† See on same subject the 28 March, 1812, ch. 46, § 6, vol. 2, p. 696, repealed by sec. 5 of this act.

in his opinion shall have been actually and necessarily expended in their several departments for office rent, fuel, candles, and extra clerk hire.

SEC. 4. That the quartermaster-general, the deputy quartermaster, and the assistant deputy quartermasters, shall, before they or either of them enter upon the duties of their appointment, respectively enter into bond with sufficient security, to be approved of by the secretary at war, conditioned for the faithful expenditure of all public moneys, and accounting for all public property, which may come to their hands respectively: and the quartermaster-general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department. •

SEC. 5. That the sixth\* section of the act hereby amended be, and the same is hereby repealed.

[*Approved, May 22, 1812.*]

See March 28, 1812, ch. 46. April 14, 1818, ch. 61, and May 18, 1826, ch. 14.

## CHAPTER 108.—Approved, June 26, 1812.—Vol. 2, p. 764.

An Act for the more perfect Organization of the Army of the United States.†

5. Promotions to be made through the lines, respective, &c., according to rule.

SECTION 1. The infantry of the army to consist of twenty-five regiments. Organization of a regiment.

SEC. 2. Organization of a company.

SEC. 3. A riding-master to the regiment of cavalry mentioned. A surgeon's mate to the regiment of light dragoons mentioned.

SEC. 4. Organization of a troop of cavalry, &c. The pay, &c., of a master of the sword the same as that of a riding-master; and of a blacksmith, the same as a farrier.

SEC. 5. The military establishment authorized previous to the 12th April, 1808, and the additional military force under the act mentioned incorporated.

SECTION 5. And that from and after the passing of this

\* Inhibiting from trade.

† This act, with the exception of that part of sec. 5 which relates to the rule of promotions, is superseded by the act of 3 March, 1815.

act, the promotions shall be made through the lines of artillery, light artillery, dragoons, riflemen, and infantry, respectively, according to established rule.

[*Approved, June 26, 1812.*]

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CHAPTER 113.—Approved, July 1, 1812.—Vol. 2, p. 769.

An Act supplementary to an Act, entitled "An Act\* more effectually to provide for the Organization of the Militia of the District of Columbia."

1. Legionary musters.	Proviso.
2. Part of former act repealed.	7. Orders in relation to uniform issued through the brigadier general to be obeyed.
3. Battalion courts of inquiry.	
4. Collection of fines.	8. Arms exempt from taxation or execution.
6. Squadron courts of inquiry. Cavalry to be subject to legionary courts, &c.	

SECTION 1. That from and after the passage of this act, the muster of each legion, required to be held by the act to which this is a supplement, in each year, may be held in either the month of October or November, as the commanding officer of the brigade may appoint.

SEC. 2. That so much of the eleventh section of the act to which this is a supplement, as requires that there shall be a muster of each troop of cavalry and company of militia comprehending the companies made up by voluntary enrollment, in the months of July, August and November, and all the twenty-second section of the said act, be and the same are hereby repealed.

SEC. 3. That the battalion courts of inquiry, mentioned in the eighth section of said act, shall be held in the months only of July and November in each year; and the legionary courts of inquiry, mentioned in the said section, shall be respectively held in not less than ten nor more than twenty days after each battalion court of inquiry: *Provided, however,* that the commanding officer of each legion shall be

\* Act of March 3, 1803, ch. 20.

and is hereby empowered to appoint and convene legionary courts extraordinary, which may exercise all or any of the powers, and perform all or any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

SEC. 4. That all fines to be assessed under the authority of the act last aforesaid, shall be certified by the clerks of the legionary and battalion courts of inquiry respectively, by which the same shall be assessed, to the marshal of the District of Columbia, and so certified, shall be delivered to the marshal within fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor. The said marshal shall forthwith proceed to collect the said fines, and (should any person fail to make payment when called on) to levy the amount with costs by distress and sale of the goods and chattels of the delinquent; which costs and manner of proceeding shall be the same as in other cases of distresses. And where there are no goods or chattels to be found whereof to levy the said fines, the marshal shall commit such delinquent to jail, and hold him in close confinement during the term of twenty-four hours, for each and every fine by him payable, (unless the same shall be sooner paid,) in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed; and the marshal shall account for all the fines, and pay such as have been by him levied, to the paymaster of the legion, from which he shall have received the certified lists, within six months after said lists may have been delivered to him, respectively deducting from the amount so to be paid, twelve and an half per centum as a compensation for his trouble; and, in case of failure, the same shall be recovered by motion in the circuit court of the District of Columbia, in either county of said district, in the name of the paymaster of said legion, with twelve and an half per centum damages, and legal in-

terest on the amount from the time it ought to have been paid, and costs of suit: *Provided*, the marshal shall have had ten days notice of such motion. And should it happen in any case, during the pendency of proceedings and before payment is made by the marshal, that the paymaster in whose name the proceedings are going on, should be removed from his office or station, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

SEC. 5. That where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is hereby empowered to make such order in the case as may seem to them, or a majority of them, to be right and just.

SEC. 6. That squadron courts of inquiry, for the squadron of cavalry within the District of Columbia, shall be separately held within the said district; but whenever a legionary court of inquiry, as heretofore by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held, shall be within and subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry, shall be members of such legionary court for the legion within which they shall respectively reside: *Provided however*, that when the cavalry shall have been established or formed into a separate legion, there shall be separate legionary courts held by and for them, at some place within the district; both the squadron and legionary courts of cavalry to be respectively for similar purposes, to be appointed and constituted in a similar manner, and to be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by the act to which this is a supplement.

SEC. 7. That all orders in relation to the procuring or wearing of such uniform and equipments, or either of

them, as shall have been previously determined on, which shall be issued and communicated by the brigadier-general to the officers of the brigade, or any of them, shall be forthwith obeyed: and for every disobedience of any such order, the delinquent shall be subject to the penalty or fine prescribed in the twenty-seventh\* section of the said act to which this is a supplement, besides being subject to arrest.

SEC. 8. That the arms and other equipments belonging to an officer, non-commissioned officer or private, be exempt from taxation or execution.

[*Approved, July 1, 1812.*]

CHAPTER 119.—Approved, July 1, 1812.—Vol. 2, p. 774.

An Act supplementary to "An Act† authorizing the President of the United States to raise certain companies of Rangers for the protection of the frontier of the United States.

1. President authorized to raise an additional company of rangers.
2. Appropriation.

SECTION 1. That the President of the United States be, and he is hereby authorized to raise one additional company of rangers, when he may deem it necessary for the public service under the same provisions, conditions and restrictions of the act to which this is a supplement.

SEC. 2. That for defraying the expenses thereof, the sum of eleven thousand two hundred and fifty dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

\* Act of 3d March, 1803, ch. 20.

† Act of January 2, 1812, ch. 11.

CHAPTER 133.—Approved, July 6, 1812.—Vol. 2, p. 782.

An Act respecting the Pay of the Army of the United States.\*

1. The officers and soldiers of the army | tled to by the act to raise, for a limited  
to receive the same pay, forage, rations, | time, an additional military force, &c.  
&c., as the officers and soldiers are enti-

That the officers, non-commissioned officers, musicians, and privates, of the army of the United States, shall receive the same pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, are entitled to by the act, entitled “An act to raise, for a limited time, an additional military force,”† passed April twelfth, one thousand eight hundred and eight; and to the aid-de-camp of a brigadier, to a brigade-quartermaster, brigade-inspector, and adjutant, there shall be allowed forage‡ for one horse only, or, in lieu thereof, ten dollars per month; and to the brigade-majors, under the act§ passed January the eleventh, one thousand eight hundred and twelve, there shall be allowed forage for one horse, or in lieu thereof, ten dollars per month; *and the pay of a quartermaster-sergeant shall be nine dollars per month.*||

\* Superseded by act of 3d March, 1815, which refers to and adopts the provisions of the same act in respect to pay, &c.

† 12 April, 1808, ch. 43, vol. 2, p. 482.

‡ See 22 July, 1813, ch. 17.

§ Ch. 14.

|| \$17 by act 5 July, 1838, ch. 162, § 16.



## CHAPTER 137.—Approved July 6, 1812.—Vol. 2, p. 784.

An Act making further provisions for the Army of the United States, and for other purposes.\*

3. Franking privilege.

4. Brevet rank. No additional pay, | &c., unless to commanders of separate posts, &c.

5. Officers waiters.

SECTION 1. [Two brigadier generals.†]

SEC. 2.‡ [Deputy adjutant generals, &c.]

SEC. 3. That all letters and packages to and from the adjutant-general and inspector-general shall be free from postage.

SEC. 4. That the President is hereby authorized to confer§ brevet rank on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct, *or who shall have served|| ten years in any one grade: Provided*, that nothing herein contained shall be so construed as to entitle officers so breveted to any additional pay or emoluments, *except¶ when commanding separate posts, districts or detachments*, when they shall be entitled to, and receive the same pay and emoluments to which officers of the same grades are now or hereafter may be allowed by law.

SEC. 5.\*\* That the officers who shall not take waiters from the line of the army, shall receive the pay, clothing and subsistence allowed to a private soldier, for as many waiters as they may actually keep, not exceeding the number allowed by existing regulations.

\* The first and second sections of this act, relating to organization and pay, are superseded by the provisions of the act of March 3d, 1815.

† See as to brigadiers, the act reorganizing the army, March 2, 1821, ch. 13, and the 16 March, 1802, ch. 9, n. .

‡ See, for adjutant-general, the 2 March, 1821, ch. 13, § 6.

§ With consent of the Senate, the 16 April, 1818, ch. 64, § 2.

|| This clause in italics repealed by the 30 June, 1834, ch. 132, § 9, vol. 4, pp. 713-14.

¶ When on duty, and having a command, by the 16 April, 1818, ch. 64,

\*\* This section, as to waiters, is supplied by 30 March, 1814, ch. 37, §§ 9 & 10, and the 24 April, 1816, ch. 69, § 12.

CHAPTER 4.—Approved, Dec. 12, 1812.—Vol. 2, p. 788.

An Act increasing the Pay of the non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes.\*

SEC. 1. After the 31st of December, 1812; the monthly pay of the non-commissioned officers, privates, &c., to be as specified. Specification of monthly pay.

SEC. 2. During the continuance of the war with Great Britain, no non-commissioned officer, private, &c., liable to arrest for debt, &c.

SEC. 3. Non-commissioned officers, privates, &c., recruited after the promulgation of this act, may enlist to serve during the war, or for five years, at option, &c.

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CHAPTER 10.—Approved, Jan. 20, 1813.—Vol. 2, p. 790.

An Act to provide for Navy Pensions in certain cases.

THAT if any officer of the navy or marines shall be killed or die, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five years: but in case of the death or intermarriage of such widow, before the expiration of the said term of five years,† the half pay for the remainder shall go to the child or children of the said deceased officer: *Provided*, that such half pay shall cease on the death of such child or children: and the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

\* Rendered obsolete by the termination of the war. For pay, subsequently, see provisions of the act of 3d March, 1815.

† Act of March 4, 1814, ch. 20.

CHAPTER 12.—Approved, January 20, 1813.—Vol. 2, p. 791.

An Act\* supplementary to the act, entitled “An act for the more perfect organization of the Army of the United States.†

6. Persons performing a tour of militia duty may be enlisted, and be thereby exonerated from serving the remainder of the tour, &c.

SECTION 1. [The President authorized to appoint one additional major to the 1st regiment mentioned.]

SEC. 2. [A third lieutenant to be appointed to each company in the army, &c.]

SEC. 3. [An additional sergeant allowed to each troop or company in the army, &c.]

SEC. 4. [\$24 on account of pay, &c., to be advanced to each able bodied man enlisted after the 1st Feb. 1813, &c. Bounty of 160 acres of land, &c.‡]

SEC. 5. [Commissioned officers employed in recruiting, entitled to receive \$4 for each man enlisted, &c. Proviso: the regulation respecting age, not to extend to musicians or soldiers who re-enlist. Proviso: persons under the age of 21, not to be enlisted without the written consent of parents, &c. Officers enlisting persons contrary to this act, to forfeit and pay the amount of bounty and clothing, &c.]

SEC. 6.§ That it shall be lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person, in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

\* The 1st, 2d, and 3d sections, as to additional majors, lieutenants, and sergeants, are supplied by the 2 Mar. 1821, ch. 13, and the bounty of \$24 and 160 acres of land of the 4th section, and no enlistment without consent of parents, of the 5th section, &c., are repealed and supplied fully by subsequent acts.

† This act except Sec. 6, is superseded by that of 3d March, 1815, fixing the peace establishment of the United States.

‡ So much of this section as relates to an advance of pay to recruits, was specially repealed by act Feb. 8, 1815, section 1.

§ The 6th section of this act is the only section in force.

CHAPTER 16.—Approved, Jan. 29, 1813.—Vol. 2, p. 794.

An Act in addition to the act, entitled “An Act to raise an Additional Military Force,” and for other purposes.\*

SECTION 1. Not exceeding 20 regiments of infantry to be enlisted for one year, &c.

SEC. 2. Organization of each regiment.

SEC. 3. Organization of each company.

SEC. 4. The President may appoint officers during the recess, to be submitted, &c.

SEC. 5. Officers and soldiers to receive the same pay, &c., as the officers, &c., of the present military establishment; except, &c.

SEC. 6. The officers and soldiers, to be governed by the rules and articles of war.

SEC. 7. Commissioned officers to receive \$2 for every person enlisted, &c. Proviso: The regulation respecting the age of the recruit, not to extend to musicians, &c. No person under 21 to be enlisted without consent of parents, &c. Any officer enlisting persons contrary to this act, forfeits the amount of bounty and clothing, &c.

SEC. 8. \$16 bounty to each man; the payment of \$8 to be deferred, &c.

SEC. 9. Arrears of pay never to exceed two months, unless, &c.

SEC. 10. Disabled officers and soldiers to be placed on the list of invalids, &c. Proviso: the compensation for wounds, &c., to a commissioned officer, not to exceed half his monthly pay, &c. No officer to receive more than half the monthly pay of lieutenant-colonel. Proviso: inferior disabilities to be allowed in proportion.

SEC. 11. Widows or children of commissioned officers dying from wounds received in actual service, entitled to half the monthly pay for five years. In case the widow dies or marries, before, &c., the half pay to go to the children, &c.

SEC. 12. Non-commissioned officers, musicians, or privates, deserting the service, to make good the time of enlistment, &c.

SEC. 13. Officers, soldiers, &c., to take an oath, &c. Form of the oath.

SEC. 14. Extra expenses incurred by commissioned officers in traveling and sitting on general courts-martial, to be allowed, &c.

SEC. 15. Officers and soldiers discharged from service to be allowed pay and rations to travel to their places of residence, &c.

SEC. 16. A chaplain to be appointed to each brigade, &c.

SEC. 17. No field or staff officer, &c., entitled to receive pay or emolument, till called into actual service, &c.

SEC. 18. Acts concerning volunteer military corps, repealed. Proviso: nothing herein to deprive volunteer officers and men, &c., of any rights, &c.

\* Superseded by the provisions of the act of 3 Mar. 1815, fixing the peace establishment.

## CHAPTER 18.—Approved, February 2, 1813.—Vol. 2. p. 797.

An Act supplementary to an Act, entitled “An Act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,” and to increase the pay of Volunteer and Militia Corps.\*

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| <p>1. Fines imposed by courts-martial to be certified to the comptroller of the treasury, &amp;c.</p> <p>2. Marshals to pay fines, within two months after collection, into the treasury, deducting five per cent.</p> | <p>3. Non-commissioned officers, musicians, and privates, of volunteer and militia corps, entitled to the same monthly pay, rations, and forage, &amp;c., as those of the army of the United States, during, &amp;c.</p> |
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SECTION 1. That, in every case in which a court-martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act, entitled “An act to authorize a detachment from the militia of the United States,”† all such fines so assessed shall be certified to the comptroller of the treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

SEC. 2. That the marshals shall pay all fines which have been levied and collected by them, or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure, it shall be the duty of the comptroller of the treasury to give notice to the district attorney of the United States, who shall proceed against the said marshal in the district court, by attachment, for the recovery of the same.

\* The act referred to is not comprised in this selection, it having been omitted as *special*.

† The section quoted does not specify any additional cause of fine, but merely declares the detachments to which it relates subject to the penalties of the “Act for calling forth the Militia,” &c., February 28, 1795, ch. 36.

SEC. 3. That the non-commissioned officers, musicians, and privates, of volunteer and militia corps, who, subsequent to the thirty-first day of December, one thousand eight hundred and twelve, shall have been, or may hereafter be, called out, while in the service of the United States shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage, as are or may be provided by law for the non-commissioned officers, musicians, and privates, of the army of the United States.

[*Approved, February 2, 1813.*]

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CHAPTER 22.—Approved, February 13, 1813.—Vol. 2, p. 799.

An Act regulating Pensions to persons on board Private Armed Ships.

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| <p>1. The two per cent. reserved by collectors and consuls, to be paid into the treasury.</p> <p>2. Secretary of the navy to place seamen on the pension list.</p> | <p>3. Commanders to place names, &amp;c., of wounded in his journal.</p> <p>4. Collectors to transmit a transcript of such journals to the secretary of the navy, &amp;c.</p> |
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SEC. 1. That the two per centum reserved in the hands of the collectors and consuls by the act of June, eighteen hundred and twelve, entitled “An act\* concerning letters of marque, prizes, and prize goods,” shall be paid to the treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by the seventeenth section of the before mentioned act.†

SEC. 2. That the secretary of the navy be authorized and required to place on the pension list, under the like regulations and restrictions, as are used in relation to the navy of

\* The 6 June, 1812, ch. 107, § 17, vol. 2, p. 763.

† Or of the United States, by the 2 Aug., 1813, ch. 58.

the United States, any officer, seaman or marine, who, on board of any private armed ship or vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate and prize masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid, by direction of the secretary of the navy, out of the fund above provided, and from no other.

SEC. 3. That the commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, shall have been wounded or disabled as aforesaid, describing the manner and extent, as far as practicable, of such wound or disability.

SEC. 4. That every collector shall transmit quarterly to the secretary of the navy, a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the secretary to decide on claims for pensions.

[*Approved, February 13, 1813.*]

See June 26, 1812, ch. 107. Mar. 3, 1814, ch. 20, and Aug. 11, 1848, ch. 155.

CHAPTER 24.—Approved, Feb. 24, 1813.—Vol. 2, p. 801.

An Act making provision for an additional number of General Officers.\*

[SEC. 1. Six major-generals to be appointed in addition, &c. Two aids-de-camp allowed to each. Six brigadier-generals; brigade majors, &c.

SEC. 2. The officers authorized by this act, to receive the same pay, &c., as those of the same grade in the present military establishment.]

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CHAPTER 31.—Approved, Feb. 25, 1813.—Vol. 2, p. 804.

An Act to raise ten additional Companies of Rangers.

THAT the President of the United States be, and he is hereby, authorized, to raise ten additional companies of rangers, on the same provisions, conditions, and restrictions as those authorized to be raised by “An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States,”† which said companies shall be in lieu of one of the regiments authorized to be raised by the act in addition to the act, entitled “An act to raise an additional military force, and for other purposes,”‡ passed the twenty-ninth day of January, one thousand eight hundred and thirteen.

\* Superseded by the provisions of the act of 3d March, 1815, fixing the peace establishment, ch. 79.

† Act of Jan. 2, 1815, ch. 11.

‡ Act of Jan. 29, 1813, ch. 15.



CHAPTER 48.—Approved, March 3, 1813.—Vol. 2, p. 816.

An Act the better to provide for the Supplies of the Army of the United States, and for the accountability of persons entrusted with the same.\*

5. The secretary of the war department | generals' departments, &c., and prescribe  
directed to define the species, as well as | general regulations for the transporta-  
the amount, of supplies, to be purchased | tion of articles of supply, &c. The secre-  
by the commissary and quartermaster- | tary to make reasonable allowances, &c.

SECTION 1. [The 3d section of the act to provide for erecting and repairing arsenals, &c., repealed after 31st March, 1813.]

SEC. 2. [A superintendent-general of military supplies, &c. Salary of three thousand dollars. Duties of the superintendent-general, &c.]

SEC. 3. [The commissary-general of purchases, &c., to render quarterly accounts to the superintendent-general of military supplies, &c. Proviso: the accounts, &c., rendered, to relate only to the articles of supply received and disposed of, &c. Specie accounts to be rendered as heretofore, &c.]

SEC. 4. [Officers, agents, &c., who receive money in advance from the war department, to render quarterly accounts to the accountant, &c. The quarterly accounts of supplies or moneys to be settled within three months by the superintendant-general and accountant, &c.]

SEC. 5. That the secretary for the war department shall be, and he is hereby, authorized and directed to define and prescribe the species, as well as the amount, of supplies to be respectively purchased by the commissary-general's and quartermaster-general's departments, and the respective duties and powers of the said departments respecting such purchases; and also to adopt and prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may, by virtue of such regulations, be in-

\* The 8th and 9th sections of this act were superseded by act of 3d March, 1815, ch. 79. The residue, with the exception of section 5, was repealed by act of 3d March, 1817, ch. 45. Section 5 confers general powers, without limitation as to time, and does not appear liable to be repealed incidentally.

trusted with the same. And the secretary aforesaid is also authorized to fix and make reasonable allowances for the store rent, storage, and salary of storekeepers necessary for the safe keeping of all military stores and supplies.

SEC. 6. [The superintendent-general of military supplies to be appointed by the President and Senate, &c.]

SEC. 7. [The superintendent-general, &c., authorized to employ clerks, provided their annual compensation does not exceed \$7,000, Eight thousand dollars appropriated for paying clerk hire, &c.]

SEC. 8. [The President may appoint special commissaries, or authorize officers in the quartermaster-general's department, to supply subsistence for the army, when it may be necessary from the want of contractors, &c. Pay, &c., of special commissaries, &c.]

SEC. 9. [The President authorized to appoint not exceeding six assistant commissaries, &c., for the purpose of receiving and distributing clothing and other supplies, &c. Pay, &c., of assistant commissaries.]

[*Approved, March 3, 1813.*]

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## CHAPTER 52.—Approved, March 3, 1813.—Vol. 2, p. 819.

An Act for the better Organization of the General Staff of the Army of the United States.\*

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| <p>2. Brigadier-general may be assigned to principal army to act as adjutant, &amp;c.</p> <p>8. Forage, wagon, barrack masters and artificers.</p> | <p>10. Repealing clause.</p> <p>11. Letters to and from what officers, free of postage.</p> |
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### SECTION 1. [General staff.†]

SEC. 2. That the President of the United States be, and is hereby authorized, if he shall deem it expedient, to assign one of the brigadiers-general to the principal army of the United States who shall, in such case, act as adjutant and inspector-general, and as chief of the staff of such army: and the quartermaster-general attached to the principal ar-

\* This act was virtually repealed by that of the 3d March, 1815, fixing the peace establishment. All its provisions respecting pay, emoluments and privileges, were, however, re-established by the act of 24th of April, 1816, for the staff therein authorized. See 20 April, 1816, section 9.

† The general staff is reorganized by the 2 Mar. 1821. ch. 13.

my shall, as heretofore, have the brevet rank and the pay and emoluments of a brigadier-general.

SEC. 3.\* [Rank, pay and emoluments of the staff.]

SEC. 4. [Staff officers to be taken from the line.]

SEC. 5. [General regulations by the secretary of war, for the staff.]

SEC. 6.† [Deputy commissaries of ordnance.]

SEC. 7.‡ [Physician or surgeon-general.]

SEC. 8. That the forage, wagon§ and barrack masters shall be appointed as heretofore: but each quartermaster-general attached to any separate army, command, or district, shall be authorized, with the approbation and under the direction of the secretary of the war department, to appoint as many such officers and to employ as many artificers, mechanics, and laborers, as the public service may require.

SEC. 9.|| [Deputy quartermasters, how appointed, &c., &c.]

SEC. 10. That every act, and every part of any act of Congress now in force within the purview and meaning of this act, be, and the same are hereby repealed.

SEC. 11. That all letters and packets to and from the adjutant and inspector-general, adjutants-general, inspectors-general, quartermasters-general, commissary-general of ordnance, physician and surgeon-general, and apothecary-general, which relate to their official duties, shall be free from postage.

SEC. 12. [President may appoint certain officers in recess of Senate.]

[*Approved, March 3, 1813.*]

\* The pay and emoluments of the staff retained by the 24 April, 1816, ch. 69, and by the 2 Mar. 1821, ch. 13.

These §§, 3 and 4, seem fully supplied by those acts, and the 5 July, 1838, ch. 162, §§ 7, 8 and 9.

† The ordnance was reorganized by the 8 Feb. 1815, and the 2 Mar. 1821, ch. 13.

‡ The medical staff was reorganized by the 2 Mar. 1821, ch. 13, § 10.

§ Feb. 24, 1813, ch. 24, as to forage and wagon-masters, see the 5 July, 1838, ch. 162, § 1.

|| This section (9) is supplied by the 5 July, 1838, ch. 162, § 9.

RESOLUTION 2.—Approved, March 3, 1813.—Vol. 2, p. 830.

Resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of Military Discipline.

[The President requested to cause to be prepared and laid before Congress, a system of military discipline for the infantry of the army and militia, &c.]

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CHAPTER 4.—Approved, July 5, 1813.—Vol. 3, p. 3.

An Act to amend the "Act in addition to the act, entitled 'An Act to raise an Additional Military Force, and for other purposes.'"

[SECTION 1. Five of the regiments authorized by the act mentioned, may be enlisted for the war, &c., and be limited to the defence of the seaboard, &c.]

SEC. 2. Each man recruited under this act, allowed the same bounty, &c., as men enlisted for 5 years. Officers and soldiers placed on the same footing as other regular troops.]

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CHAPTER 17.—Approved, July 22, 1813.—Vol. 3, p. 34.

An Act to regulate the Allowance of Forage to Officers in the Army of the United States.\*

Officers entitled to forage, to receive, in lieu, &c., an equivalent in money, at the rate of \$8 per month for each horse. Proviso: no allowance for more horses than are actually employed.

\* This act was superseded by that of 3d March, 1815, which adopted, in every respect, the provisions of March 16, 1802, and April 12, 1808, in regard to allowances. The provisions of this act were, however, again established by act of 24th April, 1816, section 12.

CHAPTER 40.—Approved, August 2, 1813.—Vol. 3, p. 73.

An Act to provide for the Widows and Orphans of Militia slain, and for Militia disabled in the service of the United States.

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| <p>1. Widow and children of militia dying in service to have pension for five years.</p> <p>2. Officers and privates disabled in ser-</p> | <p>vice, placed on pension list, under April 10, 1806, ch. 25. Pensions not to exceed half pay.</p> |
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SECTION 1. That if any commissioned officer of the militia, or of any volunteer corps, shall while in the service of the United States die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the death of such child or children.

SEC. 2. That if any officer, non-commissioned officer, musician, or private of the militia, or of any volunteer corps, shall be disabled by known wounds received in the actual service of the United States, while in the line of his duty, he shall upon substantiating his claim in the manner described by an act entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six, be placed on the list of invalids of the United States, at such rate of pension, and under such regulations as are provided by the said act, or as may hereafter be provided by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer at the time

of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars\* per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

[*Approved, August 2, 1813.*]

April 16, 1816, ch. 55.

CHAPTER 41.—Approved, August 2, 1813.—Vol. 3, p. 74.

An Act explanatory of an act, entitled “An Act to raise ten additional Companies of Rangers.”

That each of the ten companies authorized by the act entitled “An act to raise ten additional companies of rangers,” shall consist of one captain, one first, one second, one third lieutenant, one ensign, five sergeants, six corporals and ninety privates.

CHAPTER 45.—Approved, Aug. 2, 1813.—Vol. 3, p. 74.

An Act to authorize the appointment, by the President, of certain Officers, during the recess of the Senate.

[The President authorized to appoint, in the recess, such officers of the five regiments authorized by the acts mentioned, as may not be appointed during the session, &c. The appointments to be submitted, &c.]

CHAPTER 50.—Approved, Aug. 2, 1813.—Vol. 3, p. 75.

An Act supplementary to the act, entitled, “An Act for the better Regulation of the Ordnance.”†

[Not exceeding five additional deputy commissaries of ordnance may be appointed. Their rank, pay, &c.]

\* Made \$8 by act of 24th April, 1816.

† See original act, May 14, 1812, with the note thereto.

CHAPTER 58.—Approved, August 2, 1813.—Vol. 3, p. 86.

An Act to amend and explain the Act\* regulating Pensions to persons on board Private Armed Ships.

THAT the act regulating pensions to persons on board private armed ships shall be construed to authorize the secretary of the navy to place on the pension list, under the restrictions and regulations of said act, any officer, seaman, or marine, belonging to any private armed ship or vessel of the United States, bearing a commission of letter or marque, who shall have been wounded or otherwise disabled in the line of their duty, as officers, seamen or marines, of such private armed ship or vessel.

CHAPTER 7.—Approved, January 27, 1814.—Vol. 3, p. 94.

An Act making further provision for filling the Ranks of the Regular Army, encouraging Enlistments, and authorizing the Re-enlistments, for longer periods, of men whose terms of service are about to expire.†

<p>1. Each effective able-bodied man, enlisted after the 1st Feb., 1814, &amp;c., to receive \$124 in lieu of the bounty in money and the three months pay at the end of the service. \$50 to be paid at the time of enlistment, &amp;c. The wife</p>	<p>and children, or the parents, if the recruit be killed in action, &amp;c., to be allowed \$24. After the 1st of February, 1814, so much of 4th section of the act mentioned, as allows an advance of \$24, &amp;c., repealed.</p>
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SEC. 1. That, in order to complete the present military establishment to the full number authorized by law, with the greatest possible dispatch, there shall be paid, to each effective able-bodied man who shall, after the first day of February next, be enlisted into the army of the United States, to serve for the term of five years, or during the war, at his election, in lieu of the bounty in money, and of

\* See act 13 Feb. 1813, ch. 22.

† This act is superseded by that of 3d March, 1815, ch. 79, except so far as would affect the rights vested by the 1st section.

the three months pay at the expiration of the service now allowed by law, the sum of one hundred and twenty-four dollars; fifty dollars of which to be paid at the time the recruit is enlisted, fifty dollars when he shall be mustered and have joined some military corps for service, and twenty-four dollars when he shall be discharged from service; and the wife and children, and, if he leave no wife or children, the parents of such non-commissioned officer and soldier, enlisted as herein before stated, who may be killed in action, or die in the service of the United States, shall be allowed and paid the sum of twenty-four dollars; and after the said first day of February next, so much of the fourth section of the act, entitled "An act for the more perfect organization of the army of the United States," passed the twentieth day of January, one thousand eight hundred and thirteen, as allows to each able-bodied man enlisted into the service of the United States, in the manner therein stated, an advance of twenty-four dollars on account of his pay, shall be and the same is hereby repealed.

SEC. 2. [Eight dollars to be paid to any soldier or citizen who procures an able-bodied man to be enlisted, &c.]

SEC. 3. [Non-commissioned officers, privates, &c., enlisted under the acts mentioned, may be re-enlisted for five years, or during the war.]

SEC. 4. [Soldiers re-enlisted under the preceding section, entitled to the bounty, &c.]

[*Approved, January 27, 1814.*]

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## CHAPTER 9.—Approved, January 28, 1814.—Vol. 3, p. 96.

An Act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war.

SEC. 1. The President empowered to cause to be enlisted for five years, &c., the fourteen regiments of infantry authorized to be enlisted for one year, &c.

SEC. 2. Each man enlisted under this act allowed the same bounty, &c., as men enlisted for five years, &c. Officers and soldiers to receive the same pay, clothing, &c.



CHAPTER 11.—Approved, Feb. 10, 1814.—Vol. 3, p. 96.

An Act to raise three Regiments of Riflemen.\*

SEC. 1. Not exceeding three regiments of riflemen to be raised for five years, or during the war.

SEC. 2. Organization of each regiment.

SEC. 3. Organization of each company.

SEC. 4. Each man recruited, &c., allowed the same bounty, &c., as men enlisted for five years, &c. Officers and soldiers placed on the same footing as other regular troops.

SEC. 5. Each company of riflemen authorized by the act of 12th April, 1808, to consist of ninety privates.

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CHAPTER 20.—Approved, March 4, 1814.—Vol. 3, p. 103.

An Act giving Pensions† to the Orphans and Widows of persons slain in the Public or Private Armed Vessels of the United States.

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| 1. Pensions to widows and children of persons on board private armed vessels, dying of wounds. Proviso. | 2. Widows and children of seamen of the navy, dying of wounds, to have pensions. Proviso. |
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SECTION 1. That if any officer, seaman or marine, serving on board of any private armed ship or vessel bearing a commission of letter of marque, shall die, or shall have died since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be placed on the pension list by the secretary of the navy, who shall allow to such widow, child or children, half‡ the monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, under

\* Superseded by the provisions of the act of 3d March, 1815, chapter 97.

† See Mr. Peters' list of acts relating to, vol. 3, p. 104, n. (a.)

‡ Full pay (after the five years,) by the 16 April, 1816, ch. 65, § 1.

“An act\* regulating pensions to persons on board of private armed ships;” which allowance shall continue for the term† of five years; but in case of the death or intermarriage of such widow before the expiration of the term of five years, the half-pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, that the half-pay shall cease on the death of such child or children. And the several pensions hereby directed shall be paid by direction of the secretary of the navy, out of the fund provided by the seventeenth section of an act, entitled “An act‡ concerning letters of marque, prizes, and prize goods,” and from no other.

SEC. 2. That if any seaman or marine belonging to the navy of the United States, shall die, or if any officer, seaman or marine belonging to the navy of the United States, shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half-pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, that such half-pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund under the direction of the commissioners of that fund.

[*Approved, March 4, 1814.*]

June 26, 1812, ch. 107. August 11, 1848, ch. 155.

\* The 26 June, 1812, ch. 107.

† Continued for 5 years by the 16 April, 1818, ch. 65, vol. 3, p. 427; the 22 Jan., 1824, ch. 15, vol. 4, p. 4; by 23 May, 1828, ch. 72, vol. 4, p. 288, and by the 19 June, 1834, ch. 55, vol. 4, p. 679.

‡ The 13 Feb. 1813, ch. 22.

## CHAPTER 37.—Approved, March 30, 1814.—Vol. 3, p. 113.

## An Act for the better Organizing, Paying and Supplying the Army of the United States.

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| 6. Pay of the officers of artillery.                       | 18. Rations and pay of the medical staff.                       |
| 9. Officers waiters.                                       | 19. Aids of major-general and brigadiers, &c., from what drawn. |
| 10. How mustered and paid.                                 | 20. District pay and quartermasters not from the line.          |
| 12. Promotions, how.                                       |   |
| 14. Pay, &c., not affected by captivity. Not after parole. |   |

SECTION 1. [Artillery regiments.\*]

SEC. 2.† [Companies of artillery.]

SEC. 3. [One‡ of the lieutenants to be conductor of artillery.]

SEC. 4.§ [Regiment of dragoons.]

SEC. 5. [Each troop.]

SEC. 6. That the officers of the corps of artillery, and the regiment of light artillery, shall severally receive the same pay as is now provided¶ by law for the light dragoons in the service of the United States; and the subalterns of all other corps shall be allowed one ration in addition to the pay authorized by existing laws.

SEC. 7.|| [One ration to subalterns of sea-fencibles.]

SEC. 8.\*\* [Kind and amount of clothing.]

SEC. 9. That from and after the first day of June next, the officers of the army shall be entitled to waiters agreeable to grade, as follows: a major-general, four waiters; a brig-

\* This organization is continued by the 3 March, 1815, ch. 178, § 2, vol. 3, p. 224; but see as to privates, &c., the 23 Aug. 1842, ch. 186, and as to officers, the 20 April, 1818, ch. 102, § 1, and the 2 March, 1821, ch. 13, § 1. Organized into four regiments, by the 2 March, 1821, ch. 13, § 1.

† This § (2) is supplied by the 2 March, 1821, ch. 13, § 1.

‡ But one, by the 5 July, 1838, ch. 142, § 1, which seems to supply this provision as to conductors of artillery.

§ On the re-organization by the 2 March, 1821, ch. 13, § 1, there were to be no dragoons, but a regiment of dragoons was established by the 2 March, 1833, ch. 76.

¶ The 12 April, 1808, ch. 43, § 4, *ante*.

|| Law establishing sea-fencibles repealed, 27 Feb. 1815, ch. 64, vol. 3, p. 219.

\*\* Same provision, by the 24 April, 1816, ch. 67, § 7.

adier-general, three; a colonel, two; the physician and surgeon-general, two; a lieutenant-colonel, major and hospital surgeon, each one; the officers of each company, three; every commissioned officer who holds a staff appointment which gives the rank of captain, or any higher grade, one; and to every company officer who commands a separate post or detachment, one; any law or regulation heretofore existing to the contrary notwithstanding.

SEC. 10.\* That no officer† shall be permitted to employ as a servant any soldier from the line of the army, and that the servants of officers, not exceeding the number allowed by the preceding section, shall be mustered with some corps of the army, and that on the muster rolls formed in consequence thereof payments shall be made in money‡ to the officers employing them in lieu of wages, subsistence and clothing, by the paymasters of the several corps or districts where such servants are mustered, at the rate allowed to privates of infantry, which shall be published to the army annually, by the secretary for the department of war.

SEC. 11.§ [Assistant apothecaries.]

SEC. 12. That from and after the passing of this act, promotions may be made through the whole army¶ in its several lines of light artillery, light dragoons, artillery, infantry, and riflemen respectively; and that the relative rank of officers of the same grade, belonging to regiments or corps already authorized, or which may be engaged to serve for five years or during the war, be equalized and settled by the war department, agreeably to established rules; and that so much of the act, entitled "An act for the more perfect organization of the army of the United States," passed the twenty-sixth of June, one thousand eight hundred and twelve, as comes

\* This supplies § 5, July 6, 1812, vol. 1, p. 785, and the 16 March, 1802, § 5, as respects servants.

† Except company officers, 24 April, 1816, ch. 69, § 12.

‡ And see the 24 April, 1816, ch. 69, § 12.

§ Abolished by the 2d March, 1821, ch. 13, § 10.

¶ How, formerly, see 26 June, 1812, ch. 108, § 5, vol. 3, p. 764.

within the purview and meaning of this act, be, and the same is, hereby repealed.

SEC. 13. [Deficient regiments consolidated.]

SEC. 14. That every non-commissioned officer and private of the army, or officer, non-commissioned officer, and private of any militia or volunteer corps, in the service of the United States, who has been, or who may be captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled whilst in the actual service of the United States: *Provided*, that nothing herein contained shall be construed to entitle any prisoner of war, of the militia, to the pay and compensation herein provided after the date of his parole, other than the traveling expenses allowed by law.

SEC. 15.\* [Regiments now authorized.]

SEC. 16. [Commissary to employ all aid.]

SEC. 17. [Bounty and clothing to laborers]

SEC. 18. That the physician and the surgeon-general of the army be entitled to two rations per day, and forage for two horses; and that in addition to their pay, as at present† established by law, the regimental surgeons and regimental surgeons' mates be entitled to fifteen dollars per month each.

SEC. 19. That the aids-de-camp of major-generals shall be taken from the captains and‡ subalterns of the line; and the aids-de-camp§ of brigadier-generals from the subalterns of the line; and that it shall not be lawful to take more than one aid-de-camp from a regiment.

SEC. 20.|| That in no case shall the district paymasters

\* The 15th, 17th and 21st sections are temporary, and the 16th and 20th are clearly supplied by subsequent legislation.

† By the 16 March, 1802, ch. 9, § 4.

‡ From subalterns of the line by the 3 March, 1815, and the 2 March, 1821, ch. 13, § 5, but taking only one aid from a regiment is omitted.

§ One, by the 3 March, 1815, ch. 77, § 3, vol. 3, p. 225.

|| This seems to be repealed by the 2 March, 1821, ch. 13, § 7, vol. 3, p. 225.

or quartermasters of any grade be taken from the line of the army.

SEC. 21. [Officers of volunteers promoted.]

[*Approved, March 30, 1814.*]

CHAPTER 58.—Approved, April 16, 1814.—Vol. 3, p. 124.

An Act authorizing an augmentation of the Marine Corps, and for other purposes.

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| 1. Marine corps authorized to be augmented.           | 3. Brevet rank.                                  |
| 2. Staff from the captains and subalterns. Their pay. | 4. President may appoint officers in the recess. |
|   | 5. And in the navy.                              |

SECTION 1. [That the President of the United States be, and he is hereby, authorized, to cause the marine corps\* in the service of the United States to be augmented by the appointment and enlistment of not exceeding one major, fourteen captains, twelve first lieutenants, twenty second lieutenants, sixty-one sergeants, forty-two drums and fifes, and six hundred and ninety-six privates,] who shall be respectively allowed the same pay,† bounty, clothing, and‡ rations, and shall be employed§ under the same rules and regulations to which the said marine corps are or shall be entitled and subject.

SEC. 2.¶ That the adjutant, paymaster and quartermaster of the marine corps, may be taken either from the line of captains or subalterns, and the said officers shall respective-

\* Re-organized by 3 March, 1817, ch. 65, and the 30 June, 1834, ch. 132, and see notes to 16 April, 1818, ch. 64.

† The officers are paid as infantry, by the 3 June, 1834, ch. 132, § 5.

The non-commissioned officers and privates' pay is provided for by the 2 March, 1833, ch. 68, § 1.

‡ The pay and subsistence is by the 11 July, 1798, ch. 72, § 2, to be fixed by the President.

§ On shore, or in forts, by the 11 July, 1798, ch. 72. The same language as in this act, § 1, is used by the 3 March, 1809, ch. 33, vol. 2, p. 544.

¶ How much this section is supplied by the 30 June, 1834, ch. 132, § 5.

ly receive thirty dollars per month, in addition to their pay in the line, in full of all emoluments.

SEC. 3. That the President of the United States be, and he is hereby authorized to confer\* brevet rank on such officers of the marine corps as shall distinguish themselves by gallant actions or meritorious conduct, *or† who shall have served ten years in any one grade: Provided*, that nothing herein contained shall be so construed as to entitle officers so breveted to any additional pay or emoluments, except‡ when commanding separate stations or detachments, when they shall be entitled to and receive the same pay and emoluments which officers of the same grades are now or hereafter may be allowed by law.

SEC. 4. That it shall be lawful for the President of the United States, in the recess of the senate, to appoint any of the officers authorized by this act; which appointments shall be submitted to the senate at their next session, for their advice and consent.

SEC. 5. That it shall be lawful for the President of the United States, in the recess of the senate, to appoint all or any of the officers of the navy authorized by existing laws;

\* With the consent of the Senate, by the 16 April, 1818, ch. 64.

† These words in italics, of ten years' service, are repealed by the 30 June, 1834, ch. 132, § 9.

‡ The brevet officers of the marine corps have always been on the same footing with other officers of the military establishment as respects pay and emoluments, whatever may have been of a different practice: Wayne, J., for the court. 3 How. 556, 563, *United States v. Freeman*.

By the 1st section of the 16 April, 1818, ch. 64, pay and emoluments were attached to command, and not as they had been (by the 6 July, 1812, and the 16 April, 1814) to the command of separate posts, &c. 3 How. 556, 563, *United States v. Freeman*.

The 3d section of this act of 16 April, 1814, ch. 58, is a transcript of the 4th section of the act of 1812, except that it has in it the officers of the marine corps instead of officers of the army, and the words "stations or detachments" were substituted for posts, districts, or detachments. 3 How. 556, 563, *United States v. Freeman*.

The marine corps is an addition to the military establishment of the United States. 3 How. 556.

A brevet field-officer of the marine corps is not entitled by law to brevet pay and rations, by reason of his commanding a separate post or station, if the force under his command would not entitle a brevet field-officer of infantry of a similar grade, to brevet pay and rations. 3 How. 556, 565-6, *United States v. Freeman*.

which appointments shall be submitted to the senate at their next session, for their advice and consent.

[*Approved, April 16, 1814.*]

See for list of acts, vol. 1, p. 594.

March 3, 1817, ch. 65, vol. 3, p. 376, supplied.

June 3, 1834, ch. 132. 16 April, 1818, ch. 64.

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CHAPTER 65.—Approved, April 18, 1814.—Vol. 3, p. 126.

An Act granting Pensions to the Officers and Seamen serving on board the Revenue Cutters in certain cases.\*

THAT the officers and seamen of the revenue cutters of the United States, who have been or may be wounded or disabled in discharge of their duty whilst co-operating with the navy, by order of the President of the United States, shall be entitled to be placed on the navy pension list at the same rate of pension and under the same regulations and restrictions as are now provided by law for the officers and seamen of the navy.

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CHAPTER 67.—Approved, April 18, 1814.—Vol. 3, p. 128.

An Act fixing the Salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year one thousand eight hundred and fourteen, and providing for the appointment of assistant district paymasters.†

SEC. 1. The paymaster of the army to receive an annual salary of \$2,000, &c. A further sum allowed for clerks, and for contingent expenses, in the paymaster's office, &c.

SEC. 2. The President and Senate authorized to appoint not exceeding thirty assistant district paymasters, &c. Proviso: the President may appoint any officer authorized, during the recess, &c.

SEC. 3. The paymaster of the army, &c., to make all disbursements of money, &c., to the district paymaster, &c.

SEC. 4. District paymasters to examine and transmit to the paymaster of the army, the accounts and vouchers for all disbursements, &c., as soon as the first payment has been made, with estimates, &c.

\* Continued five years by act 3d March, 1819, ch. 60.

† Expired by the operation of the 7th section.



Proviso: district and assistant paymasters to make payments to the militia, when required, &c.

SEC. 5. Assistant district paymasters to receive the pay, &c., of a captain of infantry, &c.

SEC. 6. District and assistant district paymasters to give bonds, &c., and to be subject to the rules and articles of war.

SEC. 7. Limitation of this act to end of the war.

[*Approved, April 18, 1814.*]

## CHAPTER 78.—Approved, April 18, 1814.—Vol. 3, p. 133.

An Act to provide for the collection and preservation of such Flags, Standards, and Colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States, from their enemies.\*

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| <p>1. The secretaries of war and navy directed to cause to be collected and transmitted to them at the seat of government, all flags, &amp;c., taken from enemies.</p> | } | <p>2. Flags, &amp;c., taken from enemies to be delivered to the President, for the purpose of being preserved and displayed, &amp;c.</p> |
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SEC. 1. That the secretaries of the war and navy departments be, and they are hereby, directed to cause to be collected and transmitted to them, at the seat of the government of the United States, all such flags, standards, and colors, as shall have been, or may hereafter be, taken by the army and navy of the United States, from their enemies.

SEC. 2. That all the flags, standards, and colors, of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, be, with all convenient dispatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed in such public place as he shall deem proper.

SEC. 3. [\$500 appropriated for the purposes of this act.]

\* See act 3d March, 1855, ch. 175, p. 665.

CHAPTER 80.—Approved, April 18, 1814.—Vol. 3, p. 134.

An Act in further addition to an Act, entitled “An Act more effectually to provide for the national defence, by establishing an Uniform Militia throughout the United States.\*

1. In addition to the officers of the militia provided for by the acts mentioned, there is to be a division-inspector, and other officers, as specified, &c.

That, in addition to the officers of the militia, provided for by the act entitled “An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,” approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three,† there shall be, to each division, one division-inspector, with the rank of lieutenant-colonel, and one division-quartermaster, with the rank of major; to each brigade, one aid-de-camp, with the rank of captain; and the quartermasters of brigade, heretofore provided for by law, shall have the rank of captain. And it shall be incumbent on the said officers to do and perform all the duties which, by law and military principles, are attached to their offices, respectively.

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CHAPTER 82.—Approved, April 18, 1814.—Vol. 3, p. 134.

An Act in addition to the Act entitled “An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes.” (Expired.)

SEC. 1. Court-martials for the trial of drafted militia to be composed of militia officers.

SEC. 2. What pay may be stopped in payment of delinquencies.

SEC. 3. What constitutes a summons. Delinquent may be proceeded against upon non-appearance.

SEC. 4. President of a court-martial may summon witnesses. Penalty for not attending. Punishment for contempt.

\* For original act, see chapter 33, May 8, 1792.

† Chapter 15.

- SEC. 5. Court may order imprisonment.
  - SEC. 6. Rules of evidence.
  - SEC. 7. Punishment for perjury.
  - SEC. 8. To serve six months.
  - SEC. 9. Pay of chaplains of militia.
  - SEC. 10. How paid in certain cases.
  - SEC. 11. Muster rolls to be signed by proper officer.
  - SEC. 12. Officers may be punished after expiration of term of enlistment.
  - SEC. 13. Act to continue during the war.
- [*Approved, April 18, 1814.*]

CHAPTER 84.—Approved, April 18, 1814.—Vol. 3, p. 136.

An Act concerning the pay of Officers, Seamen and Marines in the Navy of the United States.\*

SEC. 1. Pay, &c., &c., of commissioned and warrant officers. Bounty and allowance to seamen and marines.

SEC. 2. President may increase the pay not exceeding twenty-five per cent. of the navy and marines in certain cases.

CHAPTER 10.—Approved, Dec. 10, 1814.—Vol. 3, p. 146.

An Act making further provisions for filling the ranks of the Army of the United States.†

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| <p>1. Recruits able-bodied men between eighteen and fifty.</p> <p>2. Minors allowed four days to retract.</p> | <p>3. Act of 1813, requiring the consent of parents, &amp;c., repealed. Apprentices' master to receive part of the bounty money.</p> |
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SECTION 1. That from and after the passing of this act, each and every commissioned officer who shall be employed in the recruiting service, shall be, and he hereby is, authorized to enlist into the army of the United States, any free effective able-bodied man, between the ages of eighteen and fifty years; which enlistment shall be absolute and binding upon all persons under the age of twenty-one years, as well

\* See act 3d March, 1835, ch. 27; second section repealed 22d February, 1817, ch. 13.

† Superseded by act of 3d March, 1815, fixing the peace establishment.

as upon persons of full age, such recruiting officer having complied with all the requisitions of the laws regulating the recruiting service.

SEC. 2. That it shall not be lawful for any recruiting officer to pay or deliver to a recruit under the age of twenty-one years, to be enlisted by virtue of this act, any bounty or clothing, or in any manner restrain him of his liberty, until after the expiration of four days, from the time of his enlistment; and it shall be lawful for the said recruit at any time during the said four days, to reconsider and withdraw his enlistment, and thereupon he shall forthwith be discharged and exonerated from the same.

SEC. 3. That so much of the fifth section of the act, passed the twentieth day of January, one thousand eight hundred and thirteen, entitled "An act\* supplementary to the act, entitled 'An act for the more perfect organization of the army of the United States,' " as requires the consent, in writing, of the parent, guardian, or master, to authorize the enlistment of persons under the age of twenty-one years, shall be, and the same is hereby repealed: *Provided, however,* that, in case of the enlistment of any person held to service as an apprentice, under the provisions of this act, whenever such person, at the time of his enlistment, shall be held by his indenture to serve for any term between two and three years, his master shall be entitled to receive one half of the money bounty; if held, in like manner, to serve between one and two years, the master shall be entitled to receive one-third of the money bounty as aforesaid; and if held, in like manner, to serve one year or less, the master shall be entitled to receive one-fourth of the money bounty as aforesaid.

SEC. 4.† [Three hundred and sixty‡ acres to recruits on discharge.§]  
[Approved, December 10, 1814.]

\* See January 20, 1813, ch. 12, section 4, vol. 2, p. 792, *ante*.

† This section continued in force for five years by the 24th Feb., 1819, § 1, vol. 3, p. 487; but bounties to recruits are abolished by the 2d March, 1833, ch. 68, § 5.

‡ By the 20th January, 1813, ch. 12, § 4, vol. 2, p. 792, and the 11th January, 1812, ch. 14, § 12.

§ By the 11 January, 1812, ch. 14, § 12. See *ante*, and n. 8.

CHAPTER 13.—Approved, Dec. 13, 1814.—Vol. 3, p. 151.

An Act directing the Staff Officers of the Army to comply with the requisitions of naval and marine officers, in certain cases.

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| <p>1. Officers of the staff of the army to provide officers, seamen, and marines, of the navy, when acting on shore with land troops, upon requisition, &amp;c., with rations and camp equipage, &amp;c. Pro-</p> | <p>viso: the contract price of the rations to be reimbursed, &amp;c.</p> <p>2. Quartermasters of the army to furnish commanding naval officers with horses, forage, &amp;c.</p> |
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SECTION 1. That it shall be the duty of the several officers of the staff of the army of the United States, to provide the officers, seamen, and marines, of the navy of the United States, when acting, or proceeding to act, on shore, in co-operation with the land troops, upon the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together with the necessary transportation, as well for the men as for their baggage, provisions and cannon: *Provided, nevertheless*, that the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

SEC. 2. That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer and his necessary aids with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

CHAPTER 38.—Approved, Feb. 8, 1815.—Vol. 3, p. 303.

An Act for the better regulation of the Ordnance Department.\*

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| <p>2. Colonel may enlist for the department, master armorers, &amp;c.</p> <p>3. Inspection and proof of ordnance and all needful apparatus.</p> <p>4. Artificers to be attached to regiments, &amp;c.</p> <p>5. Colonel of the ordnance to execute orders of the secretary of war.</p> <p>6. Keepers of magazines and arsenals to report to colonel.</p> <p>7. Damages of arms, &amp;c., deducted</p> | <p>from the officers or soldiers having charge of them.</p> <p>8. Reports from the ordnance to the war department.</p> <p>9. Armories under the ordnance.</p> <p>10. System of regulations for ordnance.</p> <p>11. Pay, &amp;c., of, as the officers in the artillery. Pay of the master armorers, &amp;c.</p> <p>13. Allowance for clerks, &amp;c.</p> <p>14. Former acts interfering repealed.</p> |
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SECTION 1. [Ordnance constituted.]

SEC. 2.† That the colonel or senior officer of the ordnance department is authorized to enlist for the service of that department for five years, as many master armorers, master carriage makers, master blacksmiths, artificers, armorers, carriage makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the secretary for the department of war, may require.‡

SEC. 3. That it shall be the duty of the colonel of the ordnance department to direct the inspection and proving of all pieces of ordnance, cannon balls, shot, shells, small arms, and side arms, and equipments, procured for the use of the armies of the United States: and to direct the construction of all cannon and carriages, and every implement and apparatus for ordnance, and all ammunition wagons, traveling forges, and artificers' wagons, the inspection and proving of powder, and the preparation of all kinds of ammunition and ordnance stores. And it shall also be the duty of the colonel or senior officer of the ordnance department, to furnish esti-

\* This act, so far as it relates to *organization*, is superseded by that of 2d March, 1821, which abolished the ordnance department, and incorporated it with the artillery.—See section 4.—See also 5 April, 1832, ch. 67, for new organization and repeal of the first section of this act.

† The President may increase the corps, by the 5th July, 1838, ch. 162, § 13.

‡ Not exceeding 250, by the 5th April, 1832, ch. 77, § 1.

mates, and under the direction of the secretary for the department of war, to make contracts and purchases for procuring the necessary supplies of arms, equipments, ordnance and ordnance stores.

SEC. 4. That the colonel of the ordnance department shall organize and attach to regiments, corps, or garrisons, such number of artificers, with proper tools, carriages and apparatus, under such regulations and restrictions relative to their government and number, as, in his judgment, with the approbation of the secretary for the department of war, may be considered necessary.

SEC. 5. That the colonel of the ordnance department, or senior officer of that department of any district, shall execute all orders of the secretary for the department of war, and, in time of war, the orders of any general, or field officer, commanding any army, garrison or detachment, for the supply of all arms, ordnance, ammunition, carriages, forges, and apparatus, for garrison, field or siege service.

SEC. 6. That the keepers of all magazines and arsenals shall, quarterly, or oftener if so directed, and in such manner as directed by the colonel of the ordnance department, make correct returns to the colonel or senior officer of the ordnance department, of all ordnance, arms, and ordnance stores, they may have in charge.

SEC. 7. That the costs of repairs or damages done to arms, equipments, or implements, in the use of the armies of the United States, shall be deducted from the pay of any officer or soldier in whose care or use the said arms, equipments, or implements were, when the said damages occurred: *Provided*, the said damages were occasioned by the abuse or negligence of the said officer or soldier. And it is hereby made the duty of every officer commanding regiments, corps, garrisons, or detachments, to make, once every two months, or oftener, if so directed, a written report to the colonel of the ordnance department, stating all damages to arms, equipments, and implements, belonging to his command, noting those occasioned by negligence or abuse, and naming

the officer or soldier by whose negligence or abuse the said damages were occasioned.

SEC. 8. That the colonel of the ordnance department shall make, half yearly, to the war department, or oftener, if the secretary for that department shall so direct, a correct report of the officers, and all artificers and laborers, in his department; also, of all ordnance, arms, military stores, implements, and apparatus, of every description, and in such form as the secretary for the department of war shall direct.

SEC. 9. That to insure system and uniformity in the different public armories, they are hereby placed under the direction of the ordnance department. And the colonel of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to establish depots of arms, ammunition, and ordnance stores, in such parts of the United States, and in such numbers, as may be deemed necessary.

SEC. 10. That the colonel of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to draw up a system of regulations for the government of the ordnance department, forms, of returns and reports, and for the uniformity of manufactures of all arms, ordnance, ordnance stores, implements, and apparatus, and for the repairing and better preservation of the same.

SEC. 11. That the pay, emoluments, and allowances, for the officers of the ordnance department, shall be the same as the pay, emoluments, and allowances, now allowed to officers of similar grades respectively, in the artillery\* of the United States. And that the pay of a master armorer shall be thirty dollars per month, and one and a half rations per day; of a master carriage maker, thirty dollars per month, and one and a half rations per day; of a master blacksmith, thirty dollars per month, and one and a half rations per day. The pay of armorers, carriage makers, or

\* Dragoons by the 5th July, 1838, ch. 162, § 13.



blacksmiths, each, sixteen dollars per month, and one and a half rations per day; the pay of artificers, thirteen dollars per month, and one ration per day; and the pay of laborers, nine dollars per month, and one ration per day; and to all of the said workmen, artificers, and laborers, the same clothing, and other allowances, as are allowed to privates of infantry in the army of the United States, except clothing to the master workmen.

SEC. 12. [Officers in service continued or transferred.]

SEC. 13. That the colonel of the ordnance department is hereby allowed, at the rate of one thousand dollars per year, for clerks, and such books and stationery as may be necessary to his department.

SEC. 14. That the act passed May the fourteenth, one thousand eight hundred and twelve, entitled "An act\* for the better regulation of the ordnance department," and the sections of any other acts, coming within the purview of any of the sections of this act, be, and the same are hereby, repealed.

[*Approved, February 8, 1815.*]

For list of acts on this subject, see vol. 2, p. 732, n.

May 14, 1812, ch. 82, repealed. April 5, 1832, ch. 47.

Aug. 2, 1813, ch. 5, vol. 3, p. 75, supplied.

## CHAPTER 79.—Approved, March 3, 1815.—Vol. 3, p. 224.

An Act fixing the Military Peace Establishment of the United States.†

SECTION 1. The military peace establishment to consist of not exceeding 10,000 men, &c. The corps of engineers, to be retained.

SEC. 2. Organization of the several arms.

SEC. 3. Two major generals and four brigadiers, &c. Brigade inspectors from the line, brigade quartermasters, &c., from the subalterns, &c.

SEC. 4. Compensation, subsistence, clothing, &c.

SEC. 5. The President to cause the officers and soldiers now in service, &c., to be arranged, and supernumeraries to be discharged, &c.

\* The 14th May, 1812, ch. 83, vol. 2, p. 732.

† This act, and such intervening acts as relate to organization are superseded by the provisions of the act of 2d March, 1821, ch. 13.

SEC. 6. Three months' pay additional to each commissioned officer deranged, &c.

SEC. 7. The several corps to be subject to the rules and articles of war, and the officers and soldiers to be entitled to the same provision for wounds, &c., benefits, allowances, &c., as authorized by the act mentioned.

[*Approved, March 3, 1815.*]

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RESOLUTION 5.—Approved, Nov. 3, 1814.—Vol. 5, p. 247.

Resolutions, expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the Arms of the United States has been sustained by Major General Brown, Major General Scott, Major General Porter, Major General Gaines, Major General Macomb, and Brigadiers Ripley and Miller.

The thanks of Congress to general Brown, his officers and men, for their gallantry, &c., at Chippewa, Niagara, and Erie, &c. A gold medal to general Brown.

A gold medal to general Scott, &c.

Gold medals to generals Ripley, Miller, and Porter, &c.

A gold medal to general Gaines.

The thanks of Congress to general Macomb, officers, and men, and to the militia, &c. A gold medal to general Macomb.

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RESOLUTION 10.—Approved, Feb. 27, 1815.—Vol. 3, p. 249.

Resolutions expressive of the thanks of Congress to Major General Jackson, and the Troops under his command, for their gallantry and good conduct in the defence of New Orleans.

The thanks of Congress to general Jackson, officers, soldiers, militia, and volunteers, &c.

A gold medal to general Jackson, &c.

The President requested to cause the preceding resolutions to be communicated to general Jackson, &c.

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CHAPTER 37.—Approved, April 2, 1816.—Vol. 6, p. 160.

An Act placing certain persons on the list of Navy Pensioners,

[Secretary of the navy to place on the list of pensioners the persons wounded at Dartmoor prison, and the widows and children of those killed, or who died of wounds received there, &c. the act to take effect from the 6th of April, 1815.]

## CHAPTER 40.—Approved, April 9, 1816.—Vol. 3, p. 261.

An Act\* to authorize the payment of Property Lost, Captured or Destroyed by the enemy while in the Military Service of the United States, and for other purposes.

1. Horses killed in battle, or dying from wounds or from failure of forage, &c., to be paid for.
2. Horses lost by the owner being dismounted, or detached, &c., by order, &c., or by the rider's being killed, &c., to be paid for.
3. Horses, mules, oxen, wagons, carts, boats, sleighs, or harness, lost in military service, except, &c., to be paid for.
4. Persons who furnished themselves with arms, &c., and have sustained damage by their capture, &c., to be paid the value of them.
5. Property impressed, &c., and destroyed, lost or consumed, to be paid for, deducting, &c.
6. No compensation where the owner, &c., has received satisfaction, &c. Persons claiming compensation to release all claims against the person who impressed, &c. Where the owner of the property has recovered from individuals, the latter to be entitled to the compensation.
7. At the rate of 40 cents per day for each horse furnished themselves by officers of volunteer cavalry, &c.
8. Forty cents per day for each horse on which officers or privates in the cavalry service, &c., may have been remounted by the United States after the loss of their own, &c.
9. Houses occupied as military deposits, &c., and destroyed by the enemy in consequence of such occupation to be paid for.
10. The loss, destruction and value of property, to be ascertained by the best evidence, &c.
11. The President, &c., to appoint a commissioner. His duty. 2,000 dollars compensation to the commissioner, &c. Official communications free of postage.
12. Commissioner to take an oath. Form of the oath. The commissioner to appoint a clerk, and establish rules, &c. Rules, &c., to be published in the newspapers.
13. Where the claim exceeds 200 dollars a commission is to be awarded, &c. for examination of witnesses.
14. Adjudications of the commissioner to be entered in a book by the clerk. Payments to be made upon certified copies of judgments, &c.
15. Claims barred unless presented within two years.

SECTION 1. That any volunteer, or drafted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which has been killed in battle, or which has died in consequence of a wound therein received, or in consequence of failure on the part of the United States, to furnish such horse with sufficient forage, while in the military service of the United States, shall be allowed and paid the value thereof.

\* See 3d March, 1817.

SEC. 2. That any person, whether of cavalry, mounted militia, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner being dismounted, or separated, or detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into public service.

SEC. 3. That any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction, by an enemy, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction, was without any fault or negligence on the part of the owner; and any person, who, during the time aforesaid, has sustained damage by the death of any such horse, mule, or ox, in consequence of failure on the part of the United States to furnish the same with sufficient forage, while in the service aforesaid, shall be allowed and paid the value thereof.

SEC. 4. That any person who, in the time aforesaid, has acted in the military service of the United States as a volunteer or drafted militiaman, and who has furnished himself with arms and military accoutrements, and has sustained damage by the capture or destruction of the same, without any fault or negligence on his part, shall be allowed and paid the value thereof.

SEC. 5. That where any property has been impressed, or taken by public authority, for the use or subsistence of the army, during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk for the same, while in the service aforesaid.

SEC. 6. That nothing in this act contained shall be so

construed as to enable the owner of any property, or his legal representatives, to receive compensation for such loss or damage as above mentioned, where the owner of such property, or his legal representatives, may have recovered or received satisfaction for such loss from the persons who may have taken or impressed such property into the public service; and that every person claiming such compensation shall, at the time of receiving the same, release all claims he may have against the officer or person who may have impressed, taken, or used, such property in the public service; and that, in all cases where the owner of such property, or his legal representative, may have recovered and received satisfaction for such loss or injury, from the person who shall so have taken such property into the public service, the said officer or person, who shall so have paid such loss or damage, shall be entitled to receive the compensation provided by this act for such loss or damage.

SEC. 7. That the accountant of the war department, in adjusting and settling the accounts of the different paymasters, is hereby authorized to allow to the officers of volunteer cavalry, who furnished their own horses while in the public service, at the rate of forty cents per day for each horse so furnished, which any such officer was entitled by law to keep in such service, agreeably to the rank of such officer.

SEC. 8. That when any officer, non-commissioned officer, or private, in the cavalry service, as aforesaid, having lost the horse or horses, which may have been taken by him into the said service, has received from the United States another horse or horses, in lieu, or in part payment, for the horse or horses so previously lost as aforesaid, such officer, non-commissioned officer, or private, shall be entitled to receive the allowance of forty cents per day, for the use and risk of the horse on which he may have been so remounted.

SEC. 9. That any person who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposit, under the authority of an officer or agent

of the United States, shall be allowed and paid the amount of such damage: *Provided*, it shall appear that such occupation was the cause of its destruction.

SEC. 10. That the loss or destruction, as aforesaid, as well as the value of such property, shall be ascertained by the best evidence which the nature of the case will admit of, and which may be in the power of the party to produce; and the amount thereof, when established and ascertained, according to the provisions of this act, shall be paid to the sufferer or sufferers, out of any money in the treasury, not otherwise appropriated.

SEC. 11. That for the more speedy execution of the provision of this act, the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint one commissioner, whose duty it shall be to decide upon all cases arising under this act; and who, in the discharge of his duties, shall be subject to such rules and regulations as shall be prescribed by the President of the United States. Such commissioner shall receive, as compensation for his services, at the rate of two thousand dollars per annum, for the time he shall be actually employed, which shall not exceed two years, to be computed from and after the passage of this act. All official communications to and from the commissioner appointed under this act, shall be free of postage.

SEC. 12. That the said commissioner, so to be appointed, before he enters upon the duties of his office, shall take the following oath, to wit: "I, A B, do solemnly swear, that I will well and truly, according to the best of my abilities, discharge the duties of commissioner under an act of Congress, entitled 'An act to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes;' so help me God." Upon which he shall proceed to appoint a clerk; and shall proceed, with all practical dispatch, to establish, under the direction, or with the assent, of the President of the United States, such rules, as well in

regard to the receipt of applications of claimants to compensation for losses provided for by this act, as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, as shall, in his opinion, be the best calculated to attain the objects of this act; paying a due regard, in the establishment of such regulations, as well to the claims of individual justice as to the interest of the United States; which rules and regulations shall, upon his adoption, be published for eight weeks, successively, in the newspapers in the several states and territories in which the laws of the United States are published.

SEC. 13. That the said commissioner shall, in all cases in which the claim to compensation or indemnity shall exceed the sum of two hundred dollars, award a commission to some one or more discreet commissioner in the vicinity of where the witnesses are stated to reside, accompanied by interrogatories to be propounded to such witnesses, which said commission, when executed, shall be returned, together with the examinations to be taken in virtue thereof, by mail, free of postage, to the office of the said commissioner.

SEC. 14. That, in all adjudications of the said commissioner upon the claims above-mentioned, whether such judgment be in favor of, or adverse to, the claim of the applicant, the same shall be entered by his clerk in a book to be provided for that purpose; and when such judgment shall be in favor of such claim, shall entitle the claimant, or his legal representative, upon the production of a copy of such judgment, duly certified by the clerk of said commissioner, to payment of the amount thereof at the treasury of the United States.

SEC. 15. That no claim authorized by this act shall be allowed or paid, unless the same shall be exhibited within two years from the passing hereof.

[*Approved, April 9, 1816.*]

CHAPTER 55.—Approved, April 16, 1816.—Vol. 3, p. 285.

An Act making further provision for military services during the late war, and for other purposes.

SECTION 1. Pensions to widows or children of militia, rangers, fencibles, or volunteers,\* or commissioned officers, of the late war, having died in service in consequence of wounds.

Forms.

Militia disabled to be put on the pension list if not within the 2d of August, 1813.†

SEC. 2.‡ Guardians of, may take the half pay in lieu of land.

SEC. 3. The land to be given to soldiers, &c., discharged or promoted.

SEC. 4. Two millions acres for satisfying bounty.

SEC. 5. Transfers invalid before patents.

March 3, 1817, ch. 107, vol. 3, p. 394.

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CHAPTER 64.—Approved, April 20, 1816.—Vol. 3, p. 295.

An Act concerning field officers of the militia.

One colonel, one lieutenant-colonel, and	battalion, a major is to command. Pro-
one major to each regiment of militia	viso: nothing herein to annul any com-
consisting of two battalions, instead, &c.,	mission in force, &c.
after the 1st of May, 1816. If only one	

That from and after the first day of May next, instead of one lieutenant-colonel commandant to each regiment, and one major to each battalion, of the militia, as is provided by the act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth,

\* This section (1) extended to forage masters, &c., by the 3 March, 1817, ch. 107, vol. 3, p. 394.

† The 2 August, 1813, ch. 40.

‡ Extended to children and widows of those who served, &c., by same act (1817,) and two years more allowed them, and three years more by the 3 March, 1819, ch. 94, vol. 3, p. 524.



one thousand seven hundred and ninety-two,\* there shall be one colonel, one lieutenant-colonel, and one major, to each regiment of the militia consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major: *Provided*, that nothing contained herein shall be construed to annul any commission in the militia which may be in force, as granted by authority of any state or territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

[*Approved, April 20, 1816.*]

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CHAPTER 68.—Approved, April 24, 1816.—Vol. 3, p. 297.

An Act to increase the pensions of invalids in certain cases; for the relief of invalids of the militia; and for the appointment of pension agents in those states where there is no commissioner of loans.

1. Persons of the ranks named, now on the pension roll, are to receive, for the highest degree of disabilities, the sums mentioned, in lieu, &c. For less disabilities, proportionably less.

2. Persons hereafter placed on the military pension roll, to be put on at the rates specified in this act. *Proviso*: nothing herein to lessen a higher pension by special provision.

3. Officers and soldiers of the militia, whilst in service, to be placed on the pension roll like those of the regular army.

4. The secretary of war required to appoint proper persons in the states and territories, where there is no commissioner of loans, to perform the duties relating to pensions and pensioners.

SEC. 1. That all persons of the ranks hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums, in lieu of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a non-commissioned officer, musician, or private, eight dollars, per month: and for dis-

\* Ch. 33. † See 10 April, 1806, ch. 25, section 6.

abilities of a degree less than the highest, a sum proportionably less.

SEC. 2. That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions, in lieu of those heretofore established: *Provided*, that nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

SEC. 3. That all laws and regulations, relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States, shall, and they are hereby declared to, relate equally to the officers and soldiers of the militia, whilst in the service of the United States.

SEC. 4. That the secretary for the department of war be, and he is hereby, authorized and required to appoint some fit and proper person\* in those states and territories where there is no commissioner† of loans, and also in the district of Maine, to perform the duties in those states and territories, and in said district, respectively, relating to pensions and pensioners, which are now required of said commissioners in their respective states.

[*Approved, April 24, 1816.*

\* An additional one in Tennessee, 3 March, 1819, ch. 91.

† This office abolished 3 March, 1817.

## CHAPTER 69.—Approved, April 24, 1816.—Vol. 3, p. 297.

An Act\* for organizing the general staff, and making further provisions for the army of the United States.

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| <p>3. Pay department. Taken from subalterns of the line or citizens. Pay. Clerk of.</p> <p>4. Duty of paymasters in making returns, &amp;c.</p> <p>5. Commissary of purchases. Military storekeeper, pay of.</p> <p>6. All officers of the pay, and quartermaster's departments to give bonds, and subject to the articles of war. Appointed by consent of senate.</p> | <p>7. President may prescribe the clothing. In general regulations.</p> <p>8. Soldiers discharged to be paid for deficient clothing.</p> <p>9. Emoluments of the staff.</p> <p>10. Officers of the staff retained.</p> <p>11. Ordnance continued as at present.</p> <p>12. Rate of forage when not received in kind. For horses kept. Soldiers as waiters. Servants.</p> |
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SECTION 1. [Staff organized,† quartermasters, apothecary-general and‡ assistants.]

SEC. 2. [Medical staff. Judge-advocates and chaplain.]

SEC. 3. That the pay department shall consist of one paymaster-general of the army, with the annual salary of two thousand five hundred dollars, and that in addition to regimental paymasters, there be appointed one paymaster to each battalion of the corps of artillery, who, as well as the regimental paymasters, in addition to the regular and punctual payment of their respective regiments or corps, shall discharge the duties of district paymasters within such district as shall from time to time be assigned them by the paymaster-general, under the direction of the secretary of war. *Provided*, that regimental and battalion paymasters may be taken either from the subalterns of the army, or citizens, and appointed by the President of the United States. *Provided also*, that regimental and battalion paymasters

\* The first and second sections of this act are supplied or repealed by the 14 April, 1818, ch. 61, § 1, and the 2 March, 1821, ch. 13, and the third section of the act as to the pay department is reorganized by the 2 March, 1849, ch. 80, which repeals this section, (3d,) except as to the pay of the regimental and battalion paymasters, and of the paymaster-general.

† Quartermaster-general of division, repealed by the 14 April, 1818, ch. 61, § 1.

‡ This office of apothecary-general is abolished by the 2 March, 1821, ch. 13, § 1.

shall receive the pay and emoluments of major,\* and shall be allowed a capable non-commissioned officer as clerk, who, while so employed, shall receive double pay, and the actual expense of transportation while traveling under orders in the discharge of his duty.

SEC. 4.† That it shall be the duty of the regimental and battalion paymasters to pay all the regular troops; and to ensure punctuality and responsibility, correct reports shall be made to the paymaster-general once in two month, showing the disposition of the funds previously transmitted, with accurate estimates for the next payment of such regiment, garrison or department, as may have been assigned to each, and whenever any paymaster shall fail to transmit such estimate, or neglect to render his vouchers to the paymaster-general for settlement of his accounts, more than six months after receiving funds, he shall be recalled, and another‡ appointed in his place.

SEC. 5.§ *That the purchasing department shall consist of one commissary-general of purchases, as heretofore authorized, with the annual salary of three thousand dollars, and one deputy commissary to each division, with the annual salary of two thousand dollars, and six assistant commissaries of issues, with the annual salary of one thousand three hundred dollars, and as many military storekeepers|| as the service may require, whose salaries shall be regulated by the secretary of war, according to the duty they may perform: Provided, that the pay and emoluments shall not exceed that of a captain of infantry.*

SEC. 6. That all officers of the pay, commissary and quartermaster's department, shall, previous to their entering on

\* Of infantry. 10 Peters, 647, 653, Wetmore v. United States.

† This section supplies the 8th May, 1792, ch. 37, § 3, and the 16th March, 1802, ch. 9, § 16.

‡ This is merely directory, and forms no part of the contract of his sureties, and the omission does not discharge them. 11 Wheat. 184, United States v. Vansant, 1 Peters, 317-325.

§ This office of commissary-general of purchases abolished, by the 23d August, 1842, ch. 186.

|| The military storekeepers are regulated by the 2d March, 1821, ch. 13, § 9, and the 23d August, 1842, ch. 186, § 2.

the duties of their respective offices, give good and\* sufficient bonds to the United States, fully to account for all moneys and† public property which they may receive, in such sum as the secretary of war shall direct. And all paymasters, commissaries and storekeepers, shall be subject to the rules and articles of war, in the same manner as commissioned officers: *Provided also*, that all officers of the pay and commissary's departments be submitted to the senate for their confirmation, in the same manner as the officers of the army.

SEC. 7. That the President of the United States be, and he hereby is, authorized to prescribe‡ the quantity and kind of clothing to be issued annually to the troops of the United States: *Provided*, that whenever more than the authorized quantity is required, the value of the extra articles shall be deducted from the soldiers' pay, and in like manner the soldiers shall receive pay, according to the annual estimated value for such authorized articles of uniform as shall not have been issued to him in each year. *Provided also*, that the manner of issuing and accounting for clothing, shall be established in the general regulations of the war department.

SEC. 8. That in all cases where a soldier of the regular army shall have been discharged from the service of the United States, and clothing shall be due to said soldier, it shall be the duty of the paymaster-general to cause the same to be paid for according to the price paid in the seventh section of this act.

SEC. 9. That the several officers of the staff shall respec-

\* The 8th May, 1792, ch. 37, § 3, vol. 1, p. 280, says with two sureties, and in \$20,000.

† After his appointment he could act without giving bond. 1 Peters, 364.

If the bond is broader than what is required by the statute, it may be valid as a voluntary obligation even against the sureties. 10 Peters, 343, *United States v. Bradley*, 5 *id.* 115, *United States v. Tingey*.

If it require the principal faithfully to discharge his duties as paymaster according to law and instructions, and regularly to account and pay over, &c., it is valid, and in conformity with the act. 10 Peters, 343, *United States v. Bradley*.

‡ The clothing of the artillery and infantry was particularly prescribed, by the 16th March, 1802, ch. 9, § 8, and the 11th January, 1812, ch. 14, § 9, and for the light dragoons and light artillery, by the 17th March, 1812, ch. 42, but they seem to be superseded by this section.

tively receive the pay and emoluments, and retain all the privileges secured to the staff of the army, by the act\* of March third, one thousand eight hundred and thirteen, and not incompatible with the provisions of this act; and that the regulations in force before the reduction of the army, be recognized, as far as the same shall be found applicable to the service, subject, however, to such alterations as the secretary of war may adopt, with the approbation of the President.

SEC. 10. That the officers of the staff, provisionally retained by the President, and in this act enumerated and made permanent, be recognized in service under this act, and that the garrison surgeons and mates be hereafter considered as post surgeons; and hereafter the staff of the army may be taken from the line of the army, or from citizens.

SEC. 11. That the ordnance department be continued as at present organized under the act† of February eighth, one thousand eight hundred and fifteen, and that ordnance officers be assigned to their duties with the staff of the army, in the same manner as from the corps of engineers.

SEC. 12. That when forage is not drawn in kind by officers of the army entitled thereto,‡ eight dollars per month, for each horse, not exceeding the number authorized by existing regulations,§ shall be allowed in lieu thereof: *Provided*, that neither forage, nor money shall be drawn by officers, but for horses actually kept by them in service: *Provided also*, that none, except company officers shall be allowed to take as servants or waiters, soldiers of the army, and that all officers|| be allowed, for each private servant actually kept in service, not exceeding the number authorized by existing regulations,¶ the pay, rations and clothing of a private

\* Ch. 52, *ante*.

† Ch. 38.

‡ A similar provision for forage was provided by the 22d July, 1813, ch. 17.

§ The 16th March, 1802, ch. 9, § 7, *ante*, the 12th April, 1808, ch. 43, § 4, *ante*, the 6th July, 1812, ch. 133, § 1, *ante*.

For the number of horses allowed, see the 3d March, 1845, ch. 65.

|| For such officers, see the 16th March, 1802, ch. 9, § 7, *ante*.

¶ The waiters are enumerated, regulated and paid, by the 30th March, 1814, ch. 37, §§ 9 and 10, *ante*.

soldier, or money in lieu thereof, on a certificate setting forth the name and description of the servant or servants, in the pay account: *Provided also*, that one additional ration be allowed to all subaltern officers of the army.

[*Approved, April 24, 1816.*]

March 2, 1821, ch. 13.

## CHAPTER 127.—Approved, April 27, 1816.—Vol. 3, p. 217.

An Act to provide for cases of lost military land warrants, and discharges for faithful services.

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| <p>1. Soldiers of the regular army having obtained warrants and lost them, &amp;c., upon satisfactory proof of the fact to the secretary of war, are entitled to patents.</p> <p>2. When it appears, to the satisfaction of the secretary of war, that certificates of faithful services, in cases of discharge from military service, have been omitted</p> | <p>by neglect, misconception, or casualty the omission is not to prevent the issuing of warrants and patents. Upon proof of the loss of a discharge and certificate, the secretary of war is to furnish papers, &amp;c. Proviso: if the measure be justified by the time of enlistment, &amp;c.</p> |
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SECTION 1. That when any soldier of the regular army, having obtained a military land warrant, shall have lost, or shall hereafter lose, the same, or the said warrant shall have been, or may be, by accident, destroyed, every such soldier shall, upon proof thereof, to the satisfaction of the secretary of war, be entitled to a patent, in like manner as if the said warrant was produced.

SEC. 2. That in all cases of discharges from the military service of the United States, of any soldier of the regular army, when it shall appear to the satisfaction of the secretary of war that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconception of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it shall have been proved, as aforesaid, that any soldier of the regular army has lost his discharge and certificate of faithful service, the secretary of war shall cause such papers to be furnished such soldier

of the regular army as will entitle him to his land warrant and patent: *Provided*, such measure be justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

[*Approved, April 27, 1816.*]

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CHAPTER 135.—Approved, April 29, 1816.—Vol. 3, p. 320.

An Act concerning the annual sum appropriated for arming and equipping the militia.\*

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| <p>1. The sum of \$200,000 for providing arms, &amp;c., for the militia, to be paid out of any moneys in the treasury, not otherwise appropriated.</p> <p>2. The sum appropriated to be applied according to the act of 23d April, 1808,</p> | <p>without being carried to the surplus fund. Nothing in the act of 3d March, 1809, to authorize a transfer of any portion of the sum to any other branch of expenditure.</p> |
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SECTION 1. That the annual sum of two hundred thousand dollars, as appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled “An act making provision for arming and equipping the whole body of the militia of the United States,” shall be paid, for each year, respectively, out of any moneys in the treasury not otherwise appropriated.

SEC. 2. That the sum appropriated, to be paid as aforesaid shall be applied for the purpose, and according to the intention, specified in said act, without being liable, at any time, to be carried to the account of the surplus fund. And nothing in the act of the third of March, one thousand eight hundred and nine, entitled “An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy, departments,” shall be construed to authorize the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.†

\* See act April 23, 1808, with the note thereon.

† See note to act 3d March, 1817.



CHAPTER 140.—Approved, April 29, 1816.—Vol. 3, p. 322.

An Act supplementary to an act making alterations in the treasury and war departments, passed the 8th May, 1792.

[Additional accountant\* of war department to be appointed. His duties and compensation.]

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CHAPTER 142.—Approved, April 29, 1816.—Vol. 3, p. 323.

An Act to increase the compensation of the superintendents of the manufactories of arms at Springfield and Harper's Ferry.

THAT, in addition to the pay and rations, as at present fixed, of the superintendents of the manufactories of arms at Springfield and Harper's Ferry, they shall receive thirty dollars per month, and one ration per day.

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RESOLUTION 7.—Approved, April 29, 1816.—Vol. 3, p. 342.

Resolution authorizing the President of the United States to employ a skillful assistant in the corps of engineers.†

[The President authorized to employ a skillful assistant to the corps of engineers, at such compensation as he may think proper, not exceeding, &c.]

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CHAPTER 13.—Approved, Feb. 22, 1817.—Vol. 3, p. 345.

An Act to repeal the second section of an act entitled, "An Act concerning the pay of officers, seamen and marines, in the navy of the United States.

[Second section of the act of 18th April, 1814, ch. 84, repealed.]

\* Abolished. See act 3d March, 1817, ch. 45.

† Repealed by act July 14, 1832.

## CHAPTER 45.—Approved, March 3, 1817.—Vol. 3, p. 366.

An Act to provide for the prompt settlement of public accounts.\*

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| <p>1. Accountant's offices of the war and navy departments, and office of superintendent-general of military supplies, abolished.</p> <p>2. All accounts to be settled in the treasury department, after 3d March, 1817.</p> <p>3. Four auditors and one comptroller additional, in the treasury department.</p> <p>4. Duty of the second auditor. Duty of the third auditor. Proviso: as to the accounts of the additional accountant.</p> <p>5. Further duties of the auditors.</p> <p>6. Auditors to report to the secretary of the treasury.</p> <p>8. Duty of the first comptroller.</p> <p>9. Duty of the second comptroller.</p> <p>10. First comptroller to superintend the recovery of all debts, &amp;c.</p> <p>11. The provision contained in the sec-</p> | <p>ond section of the act of 3d March, 1797, extended in regard to the accounts of the war and navy departments, &amp;c.</p> <p>12. Auditors empowered to administer oaths, &amp;c.</p> <p>13. Secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except, &amp;c. First comptroller to lay before congress, annually, a list of officers, failing to make settlement, &amp;c.</p> <p>14. The comptroller to distinguish between balances, &amp;c. Comptroller not required to include balances where debtors have been reported insolvent three successive years.</p> <p>15. Salary of the second comptroller and auditors, 3000 dollars per annum.</p> <p>16. Letters, &amp;c., to and from the second comptroller and auditors.</p> |
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SEC. 1. That from and after the third day of March the offices of accountant and† additional accountant of the department of war, the office of accountant of the navy, and the office of superintendent‡ general of military supplies, be, and they are hereby, abolished.

SEC. 2. That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are concerned either as debtors or as creditors, shall be settled and adjusted in the treasury department.

SEC. 3. That, from and after the third day of March next, in addition to the officers in the treasury department, already established by law, there shall be the following officers, namely: four auditors and one comptroller.

\* This act prescribes the duties, and indicates the powers, of those charged with the settlement of public accounts; and may, therefore, be useful to a portion of the officers of the army, whose duties relate to the disbursement of the public money.

† Established by act of 8th May, 1792, ch. 37.

‡ Established by act of 3d March, 1813.

SEC. 4. That it shall be the duty of the second\* auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties and premiums, military and hospital stores, and the contingent expenses of the war department; that it shall be the duty of the third auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department, and generally, all accounts of the war department other than those provided for; and the second and third auditors aforesaid, shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouchers and certificate, to the second comptroller, for his decision thereon: *Provided*, that the President of the United States may assign to the second or third auditor the settlement of the accounts which are now confided to the additional accountant of the war department.

SEC. 5. That it shall be the duty of the auditors, charged with the examination of the accounts of the war and navy departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments, the examination of the accounts which has been assigned to them by the preceding section. And it shall be the duty of the said auditors to make such reports on the business assigned to them, as the secretaries of the war and navy departments may deem necessary, and require, for the services of those departments.

SEC. 6. That, the said auditors, shall annually, on the first Monday in November, report to the secretary of the

\* By act of 3d March, 1857, "all accounts and vouchers of the disbursing officers of the quartermaster-general's department shall be audited and settled by the third auditor.

treasury the application of the money appropriated for the military and naval departments for the preceding year, which shall be laid before congress, by him, with the annual statement of the public expenditure.

SEC. 7.\* [The treasurer to disburse all moneys ordered for the use of the war and navy departments, &c.]

SEC. 8. That it shall be the duty of the first comptroller to examine all accounts settled by the first and fifth auditors, and certify the balances arising thereon to the register; to countersign† all warrants drawn by the secretary of the treasury, which shall be warranted by law; to report to the secretary the official forms to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein; he shall also superintend the preservation of the public accounts, subject to his revision, and provide for the regular payment of all moneys which may be collected.

SEC. 9. That it shall be the duty of the second comptroller to examine all accounts settled by the second, third, and fourth auditors, and certify the balances arising thereon, to the secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the secretaries of the war and navy departments, which shall be warranted by law; to report to the said secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

SEC. 10. That it shall be the duty of the first comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and to take all such

\* This section is repealed by the 7th May, 1822, ch. 90, § 1.

† So is the 7th May, 1822, ch. 90, § 3.

measures, as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

SEC. 11. That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An act\* to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that in every case where suits have been, or shall be, instituted, a transcript from the books and proceedings of the treasury, certified by the register, shall be admitted as evidence, be extended, in regard to the accounts of the war and navy departments, to the auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the register.

SEC. 12. That the auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses, in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

SEC. 13. That it shall be the duty of the secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and, in respect to expenditures at such places, the secretary of the treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.† And it shall be the duty of the first comptroller to lay before congress, annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

SEC. 14. That, in the annual statement of all accounts on which balances appear to have been due more than three years, which the comptroller is now required by law to make, he shall hereafter distinguish those accounts, the

\* Ch. 20, *ante*.

† See Jan. 31, 1823, section 2.

balances appearing on which shall, in his opinion, be owing to difficulties of form, which he may think it equitable shall be removed by an act of congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to congress for three successive years as insolvent, the comptroller shall not be required in such case to continue to include such balances in the statement above mentioned.

SEC. 15. That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

SEC. 16. That all letters and packages, to and from the comptroller and auditors herein before mentioned, be conveyed free of postage, under the same regulations that are provided by law for other officers of government.

[*Approved, March 3, 1817.*]

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CHAPTER 60.—Approved, March 3, 1817.—Vol. 3, p. 373.

An Act to amend and explain "An Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

Widows, &c., of officers and men in the navy entitled to half pay for five years, &c. If the widow dies or marries, the half pay goes to the children. Proviso: as to the cessation of the half pay. The provisions of this act extended.

Act of March 4, 1814, ch. 20. March 3, 1819, ch. 81.

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CHAPTER 65.—Approved, March 3, 1817.—Vol. 3, p. 376.

An Act to fix the peace establishment of the marine corps.

SECTION 1. Number of officers, musicians, and privates.

SEC. 2. The President to cause this act to be carried into effect on the 1st of April, 1817; supernumerary officers to be discharged, with three months' additional pay.

SEC. 3. The President may appoint any of the officers in the recess of the senate, &c.

CHAPTER 96.—Approved, March 3, 1817.—Vol. 3, p. 390.

An Act supplementary to an act, entitled “An Act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments.”

[The President restrained from making transfers of appropriations for specified objects to any other.]

THAT nothing contained in the act of the third March, one thousand eight hundred and nine, entitled “An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments,” shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any sort, or to munitions of war, or to the pay of the army or navy, to be applied to any other object of public expenditure.\*

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CHAPTER 107.—Approved, March 3, 1817.—Vol. 3, p. 394.

An Act to amend an act, entitled “An Act making further provision for military services during the late war, and for other purposes.”†

SECTION 1. Widows and children of soldiers of militia, volunteers, rangers, and sea-fencibles, &c., placed on an equality. Rate of annual allowance.

SEC. 2. Provisions of the act fixing the military peace establishment, of 3d March, 1815, concerning additional pay, extended to wagon-masters, &c.

SEC. 3. Further time to guardians for relinquishment of bounty lands, &c.‡

\* By the provisions of the act of 1809, here referred to, which it was not foreseen would be called for, and which are, therefore, not included in the extract of act of 3d March, 1809, the President is authorized, in the recess of Congress, on the application of the secretary of a department, to direct that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department. These provisions are further modified by May 1, 1820.

† For original act, see April 16, 1816.

‡ The time allowed to relinquish claims to bounty lands, is further extended for three years, by act of 3d March, 1819.

SEC. 4. Widows and children of non-commissioned officers of the rangers, &c.

SEC. 5. Provisions of the 2d section of the act of 16th April, 1816, extended, &c. Proviso: as to assent of other heirs.

SEC. 6. Relinquishment of title to bounty land entitles children of regular soldiers to four dollars per month.

[*Approved, March 3, 1817.*]

CHAPTER 110.—Approved, March 3, 1817.—Vol. 3, p. 397.

An Act to amend the "Act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen.\*

SECTION 1. Restriction as to ninth section of the act referred to. Commissioner to investigate, &c., report facts to congress, &c.

SEC. 2. Commissions to be awarded in cases above two hundred dollars, &c. Proviso: as to new commission where facts may not be sufficiently disclosed, &c.

SEC. 3. Compensation for horses, mules, wagons, &c.

SEC. 4. Provisions of this and former act extended to property lost, &c., in war with Indian tribes, &c.

SEC. 5. Claims of two hundred dollars and upwards to be revised by the secretary of war, &c.

CHAPTER 19.—Approved, March 18, 1818.—Vol. 3, p. 410.

An Act† to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war.

SECTION 1. Officers and privates of the revolution entitled to pensions. Rate of. Claims to previous pensions to be relinquished.

SEC. 2. Oath and evidence necessary. Proof to be sent to the secretary of war, &c. Payment as of other pensions.

SEC. 3. Pension to commence on the day of the oath.

SEC. 4. No sale, transfer, or mortgage. Perjury.

\* Ch. 40; and see act of April 20, 1818, ch. 124, vol. 3, p. 466, which authorized third auditor to settle unfinished claims under this and original act.

† Although this act and its supplements are in legal existence, they are not inserted here in full, because all such applications for pensions are now made under the more beneficial act of June 7, 1832.



CHAPTER 23.—Approved, March 27, 1818.—Vol. 3, p. 411.

An Act extending the time for obtaining military land warrants in certain cases.

[The second section of the act of 6th May, 1812, ch. 77, not to apply to the heirs, &c., of persons killed, &c. The heirs, &c., of such persons may make applications until 1st May, 1820.]

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CHAPTER 34.—Approved, April 4, 1818.—Vol. 3, p. 415.

An Act to establish the flag of the United States.\*

SECTION 1. That, from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union be twenty stars, white, in a blue field.

SEC. 2. That, on the admission of every new state into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such admission.

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CHAPTER 61.—Approved April 14, 1818.—Vol. 3, p. 426.

An Act regulating the staff of the army.

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| 1. Part of the act of 1815 repealed.         | 7. Supplies purchased by contract.                |
| 2. Surgeon general and assistants.           | 8. The President may alter the ration.            |
| Judge advocate. Chaplain, &c. Post surgeons. | 10. Commissary general's letters free of postage. |

SECTION 1. That so much of the act† “fixing the military peace establishment of the United States,” passed the third of March, one thousand eight hundred and fifteen, as relates to hospital stewards and wardmasters, and so much of the “Act‡ for organizing the general staff, and making further provision for the army of the United States,” passed April

\* This repeals act of 13th January, 1794, ch. 1. *ante*, p. 71.

† Ch. 79, vol. 3, p. 224.

‡ Ch. 69, vol. 3, p. 297.

twenty-fourth, one thousand eight hundred and sixteen, as relates to hospital surgeons, hospital surgeon's mates, judge advocates, chaplains, and forage, wagon, and barrack masters, and their assistants, be and the same is hereby, repealed.

SEC. 2. That there shall be one surgeon general, with a salary\* of two thousand five hundred dollars per annum, *one assistant† surgeon general, with the emoluments of a hospital surgeon, one judge‡ advocate, with the pay and emoluments of a topographical engineer, to each division*, and one chaplain, stationed at the military academy at West Point, who shall also be professor of geography, history, and ethics, with the pay and emoluments allowed§ the professor of mathematics; *and that the number of post surgeons¶ be increased, not to exceed eight to each division.*

SEC. 3.|| [Quartermaster general of division repealed. Quartermaster's department.]

SEC. 4. [To deranged officers.]

SEC. 5. [Act to take effect on first June.]

SEC. 6.\*\* [A commissary general.]

SEC. 7.†† That supplies for the army, unless, in particular and urgent cases, the secretary of war should otherwise direct, shall be purchased by contract, to be made by the commissary general on public notice, to be delivered, on inspection, in the bulk, and at such places as shall be stipu-

\* Same salary, by the 3d March, 1813, ch. 52, section 7, *ante*.

† This office of assistant surgeon is abolished by the 2d March, 1821, ch. 13, section 10, organizing the medical staff.

‡ One for the army, and pay of major of cavalry, by the 2d March, 1849, ch. 83, section 4.

§ See, for salaries of professors, the 3d March, 1851, ch. 22, and see act February, 1857, increasing the pay and price of ration.

¶ See, for the medical staff, the 2d March, 1821, ch. 13, section 10.

|| This section is supplied by the 2d March, 1821, ch. 13, section 7, reorganizing the army.

\*\* See note to section 7.

†† The 7th, 8th, 9th, and 10th sections were continued for five years by the 23d January, 1823, ch. 5, vol. 3, p. 721, and the 6th, 7th, 8th, 9th, and 10th sections were continued for five years and no longer, by the 2d March, 1829, ch. 42, section 1, vol. 4, p. 360, and the 7th, 8th, 9th, and 10th sections were made perpetual by the 3d March, 1835, ch. 49, section 1, vol. 4, p. 780, and of course the 6th section for the appointment of a commissary-general had expired in 1835.

lated ; which contract shall be made under such regulations as the secretary of war may direct.

SEC. 8. That the President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the army and economy may require.

SEC. 9. [Commissary general and assistants not to trade, &c.]

SEC. 10. That all letters to and from the commissary general, which may relate to his office duties, shall be free from postage: *Provided*,\* that the sixth, seventh, eighth, ninth and tenth sections of this act shall continue and be in force for the term of five years from the passing of the same, and thence until the end of the next session of Congress, and no longer.

[*Approved*, April 14, 1818.]

Mar. 2, 1821, ch. 13.

CHAPTER 64.—Approved, April 16, 1818.—Vol. 3, p. 427.

An Act regulating the pay and emoluments of brevet officers.

SECTION 1. That the officers of the army, who have brevet commissions, shall be entitled to, and receive the pay and emoluments of, their brevet rank when on duty, and having a command according to their brevet rank, and at no other time.

SEC. 2. That no brevet commission shall hereafter be conferred but by and with the advice and consent of the Senate.†

CHAPTER 65.—Approved, April 16, 1818.—Vol. 3, p. 427.

An Act in addition to “An Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.”

<p>1. Persons on the pension list under the 4th of March, 1814, allowed full pension for five years. Pension to cease on death of widow or child.</p>	<p>2. Widows and children of officers, seamen, dying. Out of the privateer fund.</p>
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SECTION 1. That in every case where a person has been put

\* See note to section 7.

† See June 30, 1834, section 9.

on the pension list, or granted a certificate of pension, by virtue of the first section of an act, passed the fourth day of March, in the year eighteen hundred and fourteen, entitled "An Act\* giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," the secretary of the navy be, and he is hereby, authorized, at the expiration of the term of five years, for which any pension certificate shall have been granted as aforesaid, to allow the full monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, and that such pension shall continue to such person for the further term† of five years: *Provided*, that such pension shall cease on the death of such widow, child, or children.

SEC. 2. That if any officer, seaman or marine, shall have died since the eighteenth day of June, in the year eighteen hundred and twelve, in consequence of an accident or casualty, which occurred while in the line of his duty on board a private armed vessel, leaving a widow, or, if no widow, a child or children under sixteen years of age, the secretary of the navy be, and he is hereby, authorized to place such widow, child, or children, on the pension list, and allow to such widow, child, or children, the same monthly pension as if the deceased had died by reason of wounds received in the line of his duty: *Provided*, that all moneys paid by virtue of this act shall be paid out of the privateer pension fund, and no other.

[*Approved, April 18, 1818.*]

\* Ch. 20, *ante*.

† Continued for five years by the 19th June, 1834, ch. 55, vol. 4, p. 679, and the 23d May, 1828, ch. 72, vol. 4, p. 288, and 3d March, 1819, ch. 60, vol. 3, p. 502, with half pay.

## CHAPTER 84.—Approved, April 20, 1818.—Vol. 3, p. 444.

An Act to defray the expenses of the militia when marching to places of rendezvous.

<p>1. Expenses incurred by marching militia to places of rendezvous, upon the President's requisition or calls of state authorities approved by him, to be adjusted and paid in the same manner as</p>	<p>expenses incurred after arrival. Provided: no species of expenditure authorized previously to arrival, not provided to be paid for after arrival.</p>
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THAT the expenses incurred, or to be incurred, by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States,\* or which shall have been, or may be, incurred in cases of calls made by the authority of any state or territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President of the United States: *Provided*, that nothing herein contained shall be considered as authorizing any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

[*Approved, April 20, 1818.*]

## CHAPTER 88.—Approved, April 20, 1818.—Vol. 3, p. 447.

An Act† in addition to the “Act for the punishment of certain crimes against the United States,” and to repeal the acts therein mentioned.

<p>1. Fine \$2,000 and imprisonment for citizens accepting commissions within the U. S., &amp;c., to serve foreign states.</p>	<p>2. For any person in the U. S., enlisting others, &amp;c., to serve a foreign state, &amp;c.</p>
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\* See May 8th, 1792, *ante*, p. 64.

† This act re-enacts the acts of 1794, ch. 50, 1797, ch. 58, and of 1817, ch. 58, with some addition, and by adding the words “colony, district or people.” 7 Wheat. 489, *The Gran Para*.

The object of the laws was to put an end to the slave trade, and to prevent the introduction of slaves from foreign countries. 11 Peters, 73, *United States v. The Ship Garonne*, *United States v. Skiddy*.

Slaves of Louisiana taken by their owners to France in 1835 and brought back with their own consent, is not a case within the acts. 11 Peters, 73, *United States v. Skiddy*.

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| <p>3. Fitting out, or attempting to fit out. The vessel, &amp;c., forfeited. Half to informer.</p> <p>4. For citizens fitting out or arming, &amp;c., or aiding. To be tried where apprehended or first brought.</p> <p>5. Augmenting in the U. S. the force of foreign armed vessels.</p> <p>6. Setting on foot within the U. S., any military expedition against a friendly power.</p> <p>7. District courts to have cognizance of.</p> <p>8. The President may employ the forces or the militia, for suppressing such expeditions.</p> | <p>9. May employ the forces, or the militia, to compel the departure of vessels.</p> <p>10. Owners, &amp;c., of armed vessels sailing to give bond not to commit hostilities, &amp;c.</p> <p>11. Collectors to detain vessels built for warlike purposes and about to depart, when probably they are intended against a friendly power.</p> <p>12. 5th June, 1794, ch. 50, 14th June, 1797, ch. 1, 24th April, 1800, ch. 35, and and 3d March, 1817, ch. 58, repealed.</p> <p>13. Not to prevent the punishment of treason, &amp;c.</p> |
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SECTION 1. That if any citizen of the United States shall, within the territory or jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district or people, in war, by land or by sea, against any prince, state, colony, district or people, with whom the United States are at peace, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

SEC. 2. That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: *Provided*, that this act shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district or people, who shall transiently be within the United States, and shall on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and

equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district or people,\* who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district or people, on board such vessel of war, letter of marque or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district or people.

SEC. 3. That if any person shall, within the limits of the United States, fit out and arm, or attempt† to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or‡ arming of any ship or vessel with intent§ that such ship or ves-

\* The intent must be a fixed one and not contingent, and formed within the United States, and before the vessel leaves the United States. 4 Peters, 445, 466, United States v. Quincy. 3 Dal. 307, Moodie v. The Alfred.

The law does not prohibit the sailing of armed vessels belonging to our citizens, out of our ports, on bond, &c., that they will not be employed to commit hostilities against powers at peace with us. 6 Peters, 466, Johnson, J.

The indictment charged the fitting out of the Bolivar with intent that she should be employed in the service of a foreign people, that is to say, in the service of the United Provinces of Rio de la Plata; held, that although the United Provinces were recognized by the United States, that the charge, under the inuendo, was sufficiently laid. 6 Peters, 445, 467, United States v. Quincy.

† An effort to fit out will satisfy the law. 6 Peters, 445, 464.

The vessel was fitted out and repaired at Baltimore, and with some warlike munitions, on bond given, sailed for St. Thomas, where she was fully armed and cruised under a Buenos Ayrean commission. This was held to be an attempt. 6 Peters, 445, United States v. Quincy.

‡ Either will constitute the offence. 6 Peters, 445, 464, United States v. Quincy. It is not necessary to charge the fitting *and* arming.

The owner is liable under the act, if he authorized and superintended the fitting and arming without being personally present.

It is not essential that the fitment should have been completed. It is not necessary that even equipment of a slave voyage should have been taken on board in the port of the United States. In this case, part of the equipment of the General Winder for a slaving voyage were shipped on another vessel for St. Thomas, and then transhipped to the General Winder.

The particulars of the fitting out need not be set out in the indictment; they are minute acts, incapable of exact specification, 473, 476.

The indictment should allege that the vessel was built, fitted, &c., within the jurisdiction of the United States, 476, 477. And "with intent to employ the vessel" in the slave trade; and alleging that "the intent" was "that the vessel should be employed in the slave trade" was not sufficient, 476. 12 Wheat. 460, United States v. Gooding, and see notes to 20th April, 1818, ch. 91. Vol. 3, p. 450.

§ Although the arms and ammunition were cleared as cargo, and the men enlisted as for a mercantile voyage. 7 Wheat. 471, 486. The Gran Para.

sel shall be employed in the service of any foreign prince or state,\* or of any colony, district or people, to cruise or commit hostilities against the subjects, citizens or property of any foreign prince or state, or of any colony, district or people,† with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer, and the other half to the use of the United States.

SEC. 4. That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out or arming, any private ship or vessel of war, or privateer, with intent that such ship or vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or shall take the command of, or enter on board of any such ship or vessel, for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person, so offending, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years; and the trial for such offence, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 5. That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or

\* That is, a government acknowledged by the United States. 6 Peters, 467.

† Note 2, sec. 2.



procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting, the force of any ship of war, cruiser or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending, shall be deemed guilty of a high misdemeanor, shall be fined not more than one thousand dollars and be imprisoned not more than one year.

SEC. 6. That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are [at] peace, every person, so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

SEC. 7. That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SEC. 8. That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act; and in every case of the capture of a ship or vessel

within the jurisdiction or protection of the United States as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 9. That it shall be lawful for the President of the United States, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

SEC. 10. That the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such

owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 11. That the collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property, of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

SEC. 12. That the act passed on the fifth day of June, one thousand seven hundred and ninety-four, entitled, "An act in addition to the act for the punishment of certain crimes against the United States," continued in force, for a limited time, by the act of the second of March, one thousand seven hundred and ninety-seven, and perpetuated by the act passed on the twenty-fourth day of April, one thousand eight hundred, and the act, passed on the fourteenth day of June, one thousand seven hundred and ninety-seven, entitled "An act to prevent citizens of the United States from privateering against nations in amity with, or against the citizens of, the United States," and the act, passed the third day of March, one thousand eight hundred and seventeen, entitled, "An act more effectually to preserve the neutral relations of the United States," be, and the same are hereby, severally repealed: *Provided, nevertheless*, that persons having heretofore offended against any of the acts aforesaid, may be prosecuted, convicted, and punished as if the same were not repealed; and no forfeiture heretofore in-

curred by a violation of any of the acts aforesaid shall be effected by such repeal.

SEC. 13. That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by the laws of the United States.

[*Approved, April 20, 1818.*]

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CHAPTER 101.—Approved, April 20, 1818.—Vol. 3, p. 459.

An Act to increase the pay of the militia when in actual service, and for other purposes.

SECTION 1. The pay of militia called into the service of the United States against the Seminole Indians to be the highest allowed during the late war.

SEC. 2. Widows and orphans of militia called into that service entitled to half pay and pensions same as in war with Great Britain.

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CHAPTER 102.—Approved, April 20, 1818.—Vol. 3, p. 460.

An Act respecting the organization of the army, and for other purposes.\*

SECTION 1. Company officers of artillery. Conductor of artillery, &c. Extra pay to conductors of artillery.

SEC. 2. One armorer to each regiment of infantry, riflemen, and battalion of artillery.

SEC. 3. Where, in cases, &c., the pay, &c., of officers and soldiers has been delayed, &c., it is on evidence, to be adjusted and paid.

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RESOLUTION 12.—Approved, April 4, 1818.—Vol. 3, p. 476.

Resolution directing medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes.

[Thanks of Congress to General Harrison and Governor Shelby, &c., for gallantry and good conduct in defeating the British and Indians on the Thames, &c. Gold medals to them.]

\* Superseded by act of 2d March, 1821.

CHAPTER 45.—Approved, March 2, 1819.—Vol. 3, p. 488.

An Act to regulate the pay of the army when employed on fatigue duty.

THAT, whenever it shall be found expedient to employ the army at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, the non-commissioned officers, musicians, and privates, so employed, shall be allowed fifteen cents,\* and an extra gill of whiskey, or spirits, each, per day, while so employed.

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CHAPTER 60.—Approved, March 3, 1819.—Vol. 3, p. 502.

An Act extending the term of half-pay pensions to the widows and children of certain officers, seamen, and marines, who died in the public service.†

[Five years' additional half pay to the widows and children of officers, seamen, and marines, killed in battle, &c., or who died in service.]

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CHAPTER 81.—Approved, March 3, 1819.—Vol. 3, p. 514.

An Act regulating the payments to invalid pensioners.

[In applications for payments of pensions the affidavit of two credible surgeons, &c., stating the continuance and rate of disability, &c., to accompany the application for payment falling due after the 4th of March, 1820, and every two years thereafter, &c., the applicant to be paid at the rate, &c. Proviso: affidavit not necessary in case of total disability, &c. Proviso: this act not to extend to invalids of the revolutionary army.]

\* Pay increased to 25 and 40 cents east, and 35 and 50 cents west, of the Rocky mountains, Aug. 4th, 1854, ch. 247.

† Act of March 4, 1814, ch. 20. Act of April 16, 1818, ch. 65. Act of April 9, 1824, ch. 34.

CHAPTER 88.—Approved, March 3, 1819.—Vol. 3, p. 520.

An Act authorizing the sale of certain military sites.

The secretary of war, under direction of the President, shall sell useless military sites. The secretary, on payment,	}	to make a deed in fee. Jurisdiction of the U. S. to cease.
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THAT the secretary of war be, and is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites, belonging to the United States, as may have been found, or become, useless, for military purposes. And the secretary of war is hereby authorized, on the payment of the consideration agreed for, into the treasury of the United States, to make, execute, and and deliver, all needful instruments, conveying and transferring the same in fee; and the jurisdiction, which had been specially ceded, for military purposes, to the United States, by a state, over such site or sites, shall thereafter cease.

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CHAPTER 99.—Approved, March 3, 1819.—Vol. 3, p. 526.

An Act concerning invalid pensions. \*

3. Revolutionary soldiers adopting the act of 1818, ch. 19, not entitled under this or future acts.	}	4. Persons placed on the pension list without report.
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SECTION 3.\* That any pension granted by this act, or any other act hereafter to be passed, to any officer, soldier, or marine, who served in the revolutionary war, shall cease and be discontinued, in case the individual to whom the same may be granted, hath availed himself, or shall hereafter avail himself of the provisions of an act, passed the eighteenth day of March, one thousand eight hundred and

\* The previous sections relate to individual pensioners.

eighteen, entitled "An act\* to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war."

SEC. 4.† That all persons entitled to pensions, in conformity with the provisions of the act, entitled "An act‡ to provide for persons disabled by known wounds during the revolutionary war," passed April the eighteenth, eighteen hundred and six, and also the fourth section of an act, entitled "An act§ concerning invalid pensioners," passed the twenty-fifth of April, one thousand eight hundred and eight, may be placed on the pension list by the secretary of war, without reporting the same to Congress.

[Approved, March 3, 1819.]

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CHAPTER 52.—Approved, May 1, 1820.—Vol. 3, p. 567.

An Act in addition to the several acts for the establishment and regulation of the treasury, war, and navy departments.

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| <p>1. Unexpended appropriations carried to surplus fund. Balances after object effected, to be repaid to the treasury, &amp;c.</p> <p>2. Secretary of war and navy to lay before Congress statements of appropriations, &amp;c. To estimate the probable demands, and the balance to be deducted, &amp;c. Accounts annually rendered. Moneys in the treasury, as agent of war and navy, for two years, &amp;c., to be carried to surplus fund. Unless a longer time is assigned.</p> | <p>4. Appropriations for one year not to be transferred to another branch of expenditure in a different year, under act of 3d March, 1809.</p> <p>5. The President may transfer appropriations to certain other expenditure in the war. And navy department.</p> <p>6. No contracts except under law, or appropriation. Except.</p> <p>7. No land bought except under law.</p> <p>8. Secretary of treasury to state appropriations for the year, &amp;c.</p> |
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SECTION 1. That it shall be the duty of the secretary of the treasury, to cause to be carried to the account of the surplus fund, any moneys appropriated for the department of war, or of the navy, which may remain unexpended in the trea-

\* Ch. 19, *ante*.

† This section (4) not to be affected by the 4th Feb. 1822, ch. 6, sec. 1, vol. 3, p. 650, or by the 24th May, 1828, ch. 109, sec. 1, vol. 4, pp. 307-8, continuing this act six years.

‡ Ch. 25, *ante*. § Ch. 58, *ante*.

surey, or in the hands of the treasurer, as agent for those departments, whenever he shall be informed, by the secretaries of those departments, that the object for which the appropriation was made has been effected. And it shall be the duty of the secretaries of war and navy departments, to cause any balance of moneys drawn out of the treasury, which shall remain unexpended, after the object for which the appropriation was made shall be effected, to be repaid to the treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

SEC. 2. That it shall be the duty of the secretaries of the war and navy departments, to lay before Congress, on the first day of February, of each year, a statement of the appropriations of the preceding year, for their departments respectively, showing the amount appropriated under each specific head of appropriation, the amount expended under each, and the balance remaining unexpended, either in the treasury, or in the treasurer's hands, as agent of the war or navy departments, on the thirty-first December preceding: and it shall be further the duty of the secretaries aforesaid, to estimate the probable demands which may remain on each appropriation, and the balance shall be deducted from the estimates of their departments, respectively, for the service of the current year; and accounts shall also be annually rendered, in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper. And whenever any moneys, appropriated to the departments of war, or of the navy, shall remain unexpended in the hands of the treasurer, as agent of either of those departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the secretary of such department to inform the secretary of the treasury of the fact, and the secretary of the treasury shall thereupon cause such moneys to be carried to the ac-



count of the surplus fund: *Provided*, that when an act making an appropriation, shall assign a longer duration for the completion of its object, no transfer of any unexpended balance, to the account of the surplus fund, shall be made until the expiration of the time fixed in such act.

SEC. 3. [Expenditures for services before 1815.]

SEC. 4. That nothing contained in the act of March third, one thousand eight hundred and nine, entitled "An act\* further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be so construed, as to allow any appropriation whatever for the service of one year to be transferred to another branch of expenditure in a different year, nor shall any appropriations be deemed subject to be transferred, under the provisions of the above mentioned act, after they shall have been placed in the hands of the treasurer; as agent of the war or navy departments.

SEC. 5. That the above-mentioned act of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the military department, viz. for the subsistence of the army, for forage, for the medical and hospital department, for the quartermaster's department; to be applied to any other of the above-mentioned branches of expenditure in the same department: and that the President shall be also further authorized, to direct a portion of the moneys appropriated for any of the following branches of expenditure in the navy department, viz. for provisions, for medicine and hospital stores, for repairs of vessels, for clothing; to be applied to any other of the above-mentioned branches of expenditure in the same department: and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

SEC. 6. That no contract shall hereafter be made by the

\* Ch. 28, *ante*; and see the 3d March, 1817, ch. 96, *ante*.

secretary of state, or of the treasury, or of the department of war, or of the navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting also, contracts for the subsistence and clothing of the army or navy,\* and contracts by the quartermaster's department, which may be made by the secretaries of those departments.

SEC. 7. That no† land shall be purchased on account of the United States, except under a law authorizing such purchase.

SEC. 8. That it shall be the duty of the secretary of the treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts; and, also, a statement of the sums remaining in the treasury, or in the hands of the treasurer, as agent of the war and navy departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the executive government in the year to which the estimates apply.

[*Approved, May 1, 1820.*]

March 3, 1809, ch. 28. March 3, 1817, ch. 45. Accounts.

## CHAPTER 53.—Approved May 1, 1820.—Vol. 3, p. 569.

An Act in addition to an act, entitled "An Act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," passed the eighteenth day of March, one thousand eight hundred and eighteen.

### SECTION 1. Schedules of their estate and income to be exhibited by

\* Contracts for the navy are to be made under regulations to be prescribed by the executive, by the 26th Aug. 1842, ch. 206.

† Unless taken by way of security for a debt due to the United States. 12 How. 99-107, *Neilson v. Lagow*.

And a conveyance of land to trustees to sell and pay off a debt due to the United States by the grantor is not a purchase within the act by the United States. 12 How. 99-106, *Neilson v. Lagow*.

pensioners. Under oath. A certified copy of, and opinion of the court, sent to the secretary of war. Unless insane.

SEC. 2. Schedule, &c., to be filed. Swearing falsely.

SEC. 3. The secretary of war may strike from the pension list persons not indigent. Who restored.

[*Approved, May 1, 1820.*]

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CHAPTER 75.—Approved, May 8, 1820.—Vol. 3, p. 570.

An Act further to regulate the medical department of the army.\*

[Apothecary and assistant apothecaries-general to give bonds with security, &c.]

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CHAPTER 97.—Approved, May 12, 1820.—Vol. 3, p. 577.

An Act to establish an uniform mode of discipline and field exercise for the militia of the United States.

1. The system of discipline and field exercise observed by the regular army, to be observed by the militia.

SECTION 1. That the system of discipline and field exercise, which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercise and discipline of the said corps, respectively, throughout the United States.

SEC. 2. [So much of the act of 8th May, 1792, as establishes the Baron de Steuben's rules and discipline, repealed.]

[*Approved, May 12, 1820.*]

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CHAPTER 102.—Approved, May 15, 1820.—Vol. 3, p. 582.

An Act to limit the term of office of certain officers therein named, and for other purposes.

SECTION 1. District attorneys, collectors of customs, naval officers, surveyors of customs, navy agents, receivers of public moneys, registers of land offices, paymasters, apothecary-general and assistants, and com-

\* The offices of apothecary, and assistant-apothecary-general, are superseded by act of 2d March, 1821.

missary-general of purchases, to be appointed for four years, removable at pleasure.

SEC. 2. Commission of officers now in office, to cease. If on or before 30th Sept. 1814, at their dates ensuing 30th Sept. 1820. If after 30th September, 1814, and before 1st Oct. 1816, at their dates ensuing 30th Sept. 1821. All others four years from their dates.

SEC. 3. The President authorized, from time to time, to regulate and increase the sums on bonds required from officers of the United States.

[*Approved, May 15, 1820.*]

## CHAPTER 107.—Approved, May 15, 1820.—Vol. 3, p. 592.

An Act providing for the better organization of the treasury department.\*

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| <p>1. Agent of the treasury to be designated by the President.</p> <p>2. Officers receiving public money failing to account. The 1st comptroller to certify the amount due. Warrant of distress against delinquent and sureties. Marshal to levy by distress and sale of goods of delinquent. Ten days notice of sale. If insufficient may commit the officer, &amp;c. Notice of sale. Amount due a lien upon lands, &amp;c. of himself and sureties. Lands, &amp;c. may be sold. Notice of sale.</p> <p>3. Disbursing officers delinquent, liable to such process.</p> <p>4. Persons aggrieved may prefer a bill of complaint to a district judge, &amp;c.</p> | <p>Who may grant an injunction. On bond and security. Not to impair the lien. Damages, if application for was for delay.</p> <p>5. Granted, &amp;c. in or out of court.</p> <p>6. Party may apply to a judge of the superior court for relief.</p> <p>7. Attorneys to conform to instructions from agent. The end of every term, state cases decided, &amp;c. to agent, &amp;c.</p> <p>8. Clerks, in 30 days after term, to forward a list of judgments and decrees to the agent. Marshals, 30 days before terms, to make returns to the agent, of proceedings.</p> <p>9. This act not to impair remedy of the U. S.</p> |
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SECTION 1. That it shall be the duty of such officer of the treasury department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use of, the United States.

SEC. 2. That from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer who shall have received the public

\* See the 3d March, 1797, ch. 20, as to suits against delinquents, *ante*.

money before it is paid into the treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the first comptroller of the treasury to cause to be stated the account\* of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the treasury, who is hereby authorized and required to issue a warrant† of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies respectively; therein specifying the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. And the marshal authorized to execute such warrant, shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and country where the said goods or chattels were taken, or in the town or country where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may, and shall proceed

\* Copies of the accounts to be evidence, 3d March, 1797, ch. 20, sec. 2, *ante*.

† See form of, 6 Peters, 472, *United States v. Nourse*.

to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold, at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid, shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof, made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments of such officer and his surety or sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district or his deputy; and for all lands, tenements, or hereditaments sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, that the summary process herein directed shall not affect any surety of any officer of the United States, who became bound to the United States before the passing of this act; but each and every such officer shall, on or be-

fore the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SEC. 3. That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval,\* departments of the government, to disburse the public money appropriated for the service of those departments respectively, shall fail to render his accounts, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the first or second comptroller of the treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified, the account of such delinquent officer, to the agent of the treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, that the said agent of the treasury, with the approbation of the secretary of the treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 4. That if any person† should consider himself ag-

\* This embraces pursers of the navy. 9 Peters, 19, n. But not one charged as "late acting purser." 9 Peters, 12, n. *Ex parte*, Randolph.

† The person against whom the distress warrant issues, although he may be neither officer, nor a debtor of the United States, is entitled to the redress pointed out in the 4th section. 9 Peters, 8, 31, *United States v. Nourse*.

After a settlement and balance against him and a distress warrant, defendant applied to a district judge, and filed a bill praying an injunction, and alleging that the money with which he was charged was not received by him in his official ca-

grieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases,\* except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

SEC. 5. That such injunctions may be granted or dissolved by such judge, either in or out of court.

SEC. 6. That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to

capacity, the judge stayed the warrant, and on answer by United States, decreed for complainant.

The United States then sued defendant, who pleaded the decree in his favor, and it was held conclusive against the United States. 9 Peters, 8, 31, *United States v. Nourse*.

\* In such cases, the judge proceeds according to the rules of chancery. 11 Peters, 162, *United States v. Cox*.

It seems that the regular officers of government are the only persons who should be amenable to the warrant, and only for the sums received in that capacity. 9 Peters, 8, and n.

But if the warrant is issued against one who is no officer, or no debtor, he is entitled to redress under the 4th section. 9 Peters, 8, 31, *United States v. Nourse*.



issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay\* a copy of the proceedings had before the district judge before a judge of the supreme court, to whom authority is hereby given, either to grant the injunction, or permit an appeal, as the case may be, if, in the opinion of such judge of the supreme court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

SEC. 7. That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively, by the said agent of the treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any state court, in which any suit or action may be pending, on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the treasury a statement of the cases which have been decided during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

SEC. 8. That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts, respectively, to forward to the said agent of the treasury a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, and stating the term to which execution thereon will be return-

\* This is the only mode of redress—no appeal to a circuit court lies. 6 Peters, 470, *United States v. Nourse*; 11 *id.* 162, *United States v. Cox*.

able. And it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts, respectively.

SEC. 9. That nothing in this act contained shall be construed to take away or impair any right or remedy which the United States now have, by law, for the recovery of taxes, debts, or demands.

[*Approved, May 15, 1820.*]

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CHAPTER 13.—Approved, March 2, 1821.—Vol. 3, p. 615.

An Act to reduce and fix the military peace establishment of the United States.

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|---|--|
| 1. Military establishment.  | 7. A quartermaster-general. Two                |
| 2. Artillery. Light artillery. Supernumerary captains. Infantry. Adjutant to each regiment. | quartermasters. Ten assistant quartermasters.  |
| 3. Engineers.   | 9. Paymaster-general and fourteen              |
| 4. Ordnance merged in artillery.  | paymasters. Commissary of purchases.           |
| 5. One major general, two aids, two brigadiers and one aid.                                 | Storekeepers.                                  |
| 6. One adjutant and two inspectors general.   | 10. Surgeon-general. Eight surgeons.           |
|   | Forty-five assistant surgeons.                 |
|   | 11. Rank, pay, &c. Subject to articles of war. |

SECTION 1. That,\* from and after the first day of June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments of infantry, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

SEC. 2. That each regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one sergeant

\* This first section is much altered by subsequent acts.

major, one quartermaster sergeant, and nine\* companies, one of which shall be designated and equipped as light artillery; and† *that there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty;* and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies; each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates; and that to each regiment of artillery and infantry there shall be one adjutant, who shall be taken from the subalterns of the line.

SEC. 3. That the corps of engineers, (bombardiers excepted,) and the topographical engineers, and their assistants, shall be retained in service as at present‡ organized.

SEC. 4. § *That the ordnance department shall be merged in the artillery;* and that the President of the United States be, and he is hereby, authorized to select, from the regiments of artillery, such officers as may be necessary to perform ordnance duties, who, while so detached, shall receive the pay and emoluments now|| received by ordnance officers, and shall be subject only to the orders of the war depart-

\* The artillery companies are reorganized by the 23d August, 1842, ch. 186, sec. 1; the 3d March, 1847, ch. 61, sec. 18, and the 17th June, 1850, ch. 20, sec. 1.

And the President is authorized to increase the companies in the army by the same act, (1850, sec. 2,) where serving in posts on the frontier and remote stations.

And the non-commissioned officers and men of the infantry are reorganized, by the 23d August, 1842, ch. 186, sec. 1.

† The clause as to supernumerary captains of artillery is repealed by the 5th April, 1832, ch. 67, sec. 3.

‡ By the 16th March, 1802, ch. 9, sec. 26 and 27, *ante*, and see note to sec. 26.

§ The ordnance is reorganized, and the clause merging it in the artillery is repealed, by the 5th April, 1832, ch. 67.

|| By the 5th April, 1832, ch. 67, sec. 4, the pay and emoluments of the officers of the ordnance are the same as are allowed to artillery officers.

ment; and that the number of enlisted men in the ordnance department be reduced to fifty-six.

SEC. 5.\* That there shall be one major-general, with two aids-de-camp, two brigadier generals, each with one aid-de-camp; and that the aids-de-camp be taken from the subalterns of the line, and, in addition to their other duties, shall perform the duties of assistant adjutant general.

SEC. 6. That there shall be one adjutant general, and two† inspectors general, with the rank, pay, and emoluments, of colonels of cavalry.

SEC. 7.‡ That there shall be one quartermaster-general; that there shall be two quartermasters, with the rank, pay, and emoluments of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten dollars, nor more than twenty dollars per month, to be regulated by the secretary of war.

SEC. 8. [Commissary general of subsistence§ and assistants.]

SEC. 9. That there shall be one paymaster general, with

\* See for the temporary increase of the generals, by the 18th June, 1846, ch. 29, to be reduced by vacancies to one major-general and two brigadiers, by the 19th July, 1848, ch. 104.

† See, for the adjutants-general, the 5th July, 1838, ch. 142, sec. 7, and note.

The inspectors-general were reduced to one, by the 23d August, 1842, ch. 186, sec. 4; but the two were restored by the 12th January, 1846, ch. 3.

‡ For changes in the quartermaster's department, see the 18th May, 1826, ch. 74, sec. 4; the 5th July, 1838, ch. 162, sec. 9, and the 11th February, 1847, ch. 8, sec. 1.

The pay and emolument of the quartermaster-general is by the 28th March, 1812, ch. 46, sec. 2, *ante*, is the same as those of a brigadier-general, \$104 a month, and twelve rations a day, and \$16 for forage per month.

In the absence of quartermaster-general, the President may appoint one of the department to perform his duties.

The quartermaster-general and deputies to be appointed with the approbation of the senate by the 28th May, 1812, ch. 46, sec. 1, *ante*.

This section 7, as to the subordinate quartermasters' supplies the 28th March, 1812, ch. 46, sec. 2, *ante*, and the 14th April, 1818, ch. 61, sec. 3, *ante*.

§ This section 8 of the commissary-general and his assistants was to continue only five years, by the 2d March, 1829, ch. 42, sec. 8. See the 14th April, 1818, ch. 61, vol. 3, p. 426.

the present\* compensation, and fourteen paymasters, with the pay and† emoluments of regimental paymasters,‡ and that there shall be *one commissary of purchases*,§ and two military storekeepers, to be attached to the purchasing department.

SEC. 10.|| That the medical department shall consist of one surgeon general, eight surgeons, with the compensation of regimental surgeons, and¶ forty-five assistant surgeons, with the compensation of post-surgeons.

SEC. 11. That the officers, non-commissioned officers, artificers, musicians, and privates, retained by this act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided, in like cases, by existing\*\* laws; and that the force authorized and continued in service under this act, shall be subject to the rules and articles of war.

[*Approved, March 2, 1821.*]

\* Two thousand five hundred dollars, by the 24th April, 1816, ch. 69, sec. 3, and the 14th April, 1818, ch. 61, sec. 2.

See, for the organization of the pay department, the 24th April, 1816, ch. 69, sec. 3; the officers of which were to be taken from the subalterns of the line. See, for increase of pay department,\* the 4th July, 1836, ch. 356, sec. 1; the 3d March, 1847, ch. 61, sec. 12, and for the entire reorganization of the pay department, the 2d March, 1849, ch. 80.

† Of majors of infantry, see the 24th April, 1816, ch. 69, sec. 3, *ante*, proviso: and see now the 2d March, 1849, ch. 80, and note.

‡ As distinguished from a staff-major. 10 Peters, 656, *Wetmore v. United States*.

§ The office of commissary of purchases was abolished by the 23d August, 1842, ch. 186, sec. 3.

|| The organization of the medical department seems to be entirely changed by this act. It supplies the 2d March, 1799, ch. 27, vol. 1, p. 721, with respect to the hospitals and hospital surgeons, and the appointment of the apothecary-general and his assistants of the 30th April, 1814, ch. 37, sec. 11, vol. 3, p. 114, and the 15th May, 1820, ch. 104, sec. 1, vol. 3, p. 582,

¶ Three surgeons and five assistants added by the 4th July, 1836, ch. 356, sec. 4, and see for additions the 23d August, 1842, ch. 186, sec. 4; the 28th July, 1832, ch. 150; the 30th July, 1834, ch. 133, and the 11th February, 1847, ch. 8, sec. 8.—See act of 1856.

\*\* See the 16th March, 1802, ch. 9, sec. 4; the 12th April, 1808, sec. 4, and note, and the 14th January, 1812, ch. 14.

CHAPTER 88.—Approved, May 7, 1822.—Vol. 3, p. 686.

An Act to repeal the fourteenth section of "An Act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one.

[The 14th section of the act to reduce and fix the military peace establishment, &c., repealed.]

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CHAPTER 90.—Approved, May 7, 1822.—Vol. 3, p. 688.

An Act further to amend the several acts relative to the treasury, war, and navy departments.

3. Moneys for the war and navy to be drawn by the secretary of treasury, &c.

SECTION 1. [The 2d section of the 8th May, 1792, ch. 37. 2d section of July 16th, 1798, ch. 85. And 7th section of March 3d, 1817, ch. 45, repealed.]

SEC. 2. [Moneys in the treasury for the war and navy, to be repaid.]

SEC. 3. That all moneys appropriated for the use of the war and navy departments, shall, from and after the day and year last aforesaid, be drawn from the treasury, by warrants of the secretary of the treasury, upon the requisitions of the secretaries of those departments, respectively, countersigned by the second comptroller of the treasury, and registered by the proper auditor.

SEC. 4. [Act of March 3d, 1817, ch. 45, repugnant, &c., repealed.]

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CHAPTER 5.—Approved, Jan. 23, 1823.—Vol. 3, p. 721.

An Act to continue the present mode of supplying the army of the United States.\*

[The 7th, 8th, 9th and 10th sections of act of 14th April, 1818, continued in force for five years, and to the end of the next session of congress.]

\* See act 2d March, 1829.

CHAPTER 9.—Approved, Jan. 31, 1823.—Vol. 3, p. 723.

An Act concerning the disbursement of public money.

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| <p>1. No advance of public money. Unless necessary to promptness. Or on distant stations.</p> <p>2. Officers or agents of the United States to account quarterly.</p> | <p>3. Officers or agents offending, to be reported to the President and dismissed.</p> <p>4. No security to government to be impaired.</p> |
|---|--|

SEC. 1. That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, that it shall be lawful, under the especial\* direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided also*, that the President of the United States may direct such advances as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

SEC. 2. That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay or emolument, shall render his accounts quarter yearly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months, if resident

\* The President is not expected to be the administrative officer of the departments, and his general orders to the bureaus to advance funds to disbursing officers, authorizes such payments. 1 How. 290, *Williams v. United States*.

in a foreign country: *Provided*, that nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from the officer or agent, subject to the control of such secretaries, as the public interest may require.

SEC. 3. That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, that in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, anything in the foregoing provision to the contrary notwithstanding.

SEC. 4. That no security given to, or obligation entered into, with the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

[*Approved, January 31, 1823.*]

March 3, 1797, ch. 20.

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## CHAPTER 37.—Approved, March 1, 1823.—Vol. 3, p. 770.

An Act in addition to the act, entitled "An Act for the prompt settlement of public accounts," and for the punishment of the crime of perjury.

3. Persons swearing falsely, shall suffer as for perjury.

SEC. 3.\* That if any person shall swear or† affirm false-

\* The 1st and 2d sections are for settlement of pending accounts, and are omitted.

† This includes all cases of swearing, &c. required by the practice of the treasury department in the expenditure of public money, or in support of any claims against the United States. 9 Peters, 238, 256, *United States v. Bailey*.

And a false oath taken before a justice of the peace, authorized by regulation of the treasury department to take oaths as evidence at the department in support of a claim against the United States, is perjury. 9 Peters, 238-257, *United States v. Bailey*.

It is not necessary to allege the intent to have been felonious. 9 Peters, 238.



290 17 CONG., CH. 59, 71. 18 CONG., CH. 15, 2 SESS., CH. 18.

ly, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

[*Approved, March 1, 1823.*]

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CHAPTER 59.—Approved, March 1, 1823.—Vol. 3, p. 782.

An Act supplementary to the acts to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war.

SECTION 1. Secretary of war to restore pensioners struck off by the 1st of May, 1820,\* if indigent.

SEC. 2. A judge may attend at the dwelling of persons unable to attend in court.

SEC. 3. Pensions to commence after this act, &c.

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CHAPTER 71.—Approved, March 3, 1823.—Vol. 3, p. 788.

An Act to establish a national armory on the western waters.

SECTION 1. President authorized to form a board to examine a site for a national armory on the western waters.

SEC. 2. Appropriation, five thousand dollars.

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CHAPTER 15.—Approved, Jan. 22, 1824.—Vol. 4, p. 4.

An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.†

SECTION 1. The term of half-pay pensions, to the widows, &c., of officers, &c., who died in the public service, extended.

SEC. 2. Act of March 3, 1817, ch. 60, repealed. Proviso.

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CHAPTER 18.—Approved, March 3, 1825.—Vol. 4, p. 94.

An act for arming the militia of the District of Columbia.‡

[Act of 23d April, 1808, making provision for arming the militia, extended to the District of Columbia.]

\* Ch. 53, *ante*. † This act repeals 3d March, 1817, and 3d March, 1819.

‡ See Act April 23, 1808, and the note thereon.

CHAPTER 66.—Approved, March 3, 1825.—Vol. 4, p. 123.

An Act further to amend the act authorizing payment for property lost, captured or destroyed by the enemy, while in the military service of the United States, and for other purposes, passed ninth April, one thousand eight hundred and sixteen.

Course to be pursued by those having claims for buildings destroyed during the late war. Proviso. Proviso.

THAT\* any person having a claim for a building destroyed by the enemy during the late war, under the ninth section of the act to which this is an amendment, and of the act to amend the same, passed the third day of March, one thousand eight hundred and seventeen, which shall have been presented to the commissioner of claims, appointed under the act first aforesaid, at any time before the tenth of April, one thousand eight hundred and eighteen, and which was not paid under said acts, nor finally rejected by said commissioner, may, within nine months, hereafter, present the same with the evidence to support it, to the third auditor of the treasury, for examination and adjustment, and if he shall be satisfied the building or buildings for which damages are claimed, was, at the time of its destruction, occupied by order of any agent or officer of the United States, as a place of deposit for military or naval stores, or as barracks for the military forces of the United States, he shall proceed to assess the damages, and certify the amount for payment, in the way pointed out in the act first above referred to, which shall be immediately paid out of any money in the treasury not otherwise appropriated: *Provided*, that if the auditor shall be satisfied the evidence before him is insufficient to enable him correctly to decide between the United States and the claimant, he may, on giving notice to the claimant, cause other evidence to be taken: *And provided also*, that no payment shall be made under the provisions of this act, where the property destroyed was occupied under a contract with the owner, and at the risk of such owner.

\* Act of April 9, 1816, ch. 40. Act of March 3, 1817, ch. 110.

CHAPTER 93.—Approved, March 3, 1825.—Vol. 4, p. 127.

An Act to authorize the sale of unserviceable ordnance, arms, and military stores.

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|---|---|
| 1. The President of the United States to cause to be sold any ordnance, &c., damaged, as to render useless, &c. | 2. The inspection or survey to be made by an inspector-general. |
|---|---|

SECTION 1. That the President of the United States be, and he is hereby, authorized to cause to be sold any ordnance, arms, ammunition or other military stores, or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service.

SEC. 2. That the inspection or survey of the unserviceable stores shall be made by an inspector-general, or such other officer or officers as the secretary of war may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the secretary of war.

CHAPTER 30.—Approved, May 4, 1826.—Vol. 4, p. 157.

An Act to exempt the professors, tutors, stewards, and students, of the different mineries of learning, in the District of Columbia, from militia duty.\*

[Professors, &c., exempt from militia duty except in case of war.]

CHAPTER 74.—Approved, May 18, 1826.—Vol. 4, p. 173.

An Act regulating the accountability for clothing and equipage issued to the army of the United States, and for the better organization of the quartermaster's department.

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| 1. Quartermaster's department to distribute clothing, &c.          | 3. Duty of officers charged with the issue of clothing and supplies.   |
| 2. Commanders of companies, &c., to return supplies every quarter. | 4. Two quartermasters and ten assistants appointed. To receive forage. |
|  | 5. Officers to give bond.  |

SECTION 1. That it shall be the duty of the quartermas-

\* This act is also printed among the private acts in vol. 6, p. 339.

ter's department, in addition\* to its present duties, to receive from the purchasing department, and distribute to the army of the United States, all clothing and camp and garrison equipage required for the use of the troops; and that it shall be the duty of the quartermaster general, under the direction of the secretary of war, to prescribe and enforce, under the provisions of this act, a system of accountability for all clothing and equipage issued to the army.

SEC. 2. That every captain, or commander of a company, detachment, or recruiting station, or other officer, who shall have received clothing or camp equipage for the use of his command, or for issue to the troops, shall render to the quartermaster general, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issue that shall have been made; which returns and vouchers, after due examination by the quartermaster general, shall be transmitted for settlement to the proper office of the treasury department.

SEC. 3. That it shall be the duty of all officers charged with the issue of clothing, or other supplies, carefully to preserve the same from waste or damage; and, in case of deficiency, on final settlement, of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show, to the satisfaction of the secretary of war, by one or more depositions, setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service, without any fault on his part; and, in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall show, in like manner, to the satisfaction of the secretary of war, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect.

\* See the 28th March, 1812, ch. 46, sec. 3, *ante*, for duties of.

SEC. 4. That, the better to enable the quartermaster's department to carry into effect the provisions of this act, there be appointed two additional quartermasters, and ten assistant quartermasters, to be taken from the line of the army, who shall have the same rank and compensation as are provided\* for like grades by the act, entitled "An act to reduce and fix the military peace establishment of the United States," approved the second day of March, one thousand eight hundred and twenty-one: *Provided*, that assistant quartermasters be entitled, also, to receive the allowance of forage heretofore† authorized, by law, to regimental and battalion quartermasters.

SEC. 5. That each officer appointed under this act, shall, before he enter upon his duties, give bond, with sufficient surety, to be approved by the secretary of war, in such sum as the President shall direct, with condition for the faithful performance of the duties of his office.

[*Approved, May 18, 1826.*]

March 28, 1812, ch. 46, sec. 3. May 22, 1812, ch. 92.

July 5, 1838, ch. 142, sec. 9, &c.

## CHAPTER 82.—Approved, May 20, 1826.—Vol. 4, p. 178.

An Act concerning the United States arsenal in Georgia.

SECTION 1. Secretary of war to cause to be purchased in the vicinity of Augusta, a proper site for an United States arsenal. Proviso. Proviso: consent of the proper authorities of said state to be first obtained, &c.

SEC. 2. A sum not exceeding \$70,000 appropriated, &c.

## CHAPTER 88.—Approved, May 20, 1826.—Vol. 4, p. 179.

An Act to authorize the secretary of the war department to purchase a site for an arsenal at St. Louis, in the state of Missouri, and to provide for the erection of an arsenal on the same.

[Secretary of war to purchase a site for an arsenal at or in the vicinity of Missouri. \$15,000 appropriated.]

\* There is no such provision by the act of 1821.

† By the 12th April, 1808, ch. 43, sec. 4, *ante*.

RES. No. 3.—Approved, May 18, 1826.—Vol. 4, p. 219.

Resolution directing a system of cavalry tactics, and a system of instruction for artillery, to be prepared for the use of the cavalry and artillery of the militia.

[Secretary of war to have prepared a complete system of cavalry tactics.]

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CHAPTER 42.—Approved, March 2, 1827.—Vol. 4, p. 297.

An Act\* giving further compensation to the captains and subalterns of the army of the United States, in certain cases.

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| 1. After the passage of this act, each captain, &c., to be allowed an additional ration. | a company, in the army of the United States, to receive ten dollars per month, additional pay. Proviso. |
| 2. Every officer, in actual command of   |   |

SECTION 1. That, from and after the passing of this act, each captain and subaltern in the army,† shall be allowed one additional ration.

SEC. 2. That every officer in the actual command of a company in the army of the United States, shall be entitled to receive ten dollars per month additional pay, as compensation for his duties and responsibilities, with respect to the clothing, arms, and accoutrements of the company, whilst he shall be in the actual command thereof: *Provided*, that no subaltern officer,‡ who shall be in the performance of any staff duty, for which he receives an extra compensation, shall be entitled to the additional ration herein provided for.

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CHAPTER 80.—Approved, March 3, 1827.—Vol. 4, p. 241.

An Act authorizing the establishment of an arsenal in the town of Augusta, in Maine.

[Secretary of war to purchase a site for an arsenal in Augusta.]

\* This act is not repealed by the 30th June, 1834, ch. 132. 3 How. 567.

† And marine corps, by the 30th June, 1834, ch. 142.

‡ Or lieutenants holding the appointments of adjutant and regimental quartermaster, 3d March, 1847, sec. 10, ch. 61, p. 183.

CHAPTER 2.—Approved, January 25, 1828.—Vol. 2, p. 246.

An Act to prevent defalcations on the part of the disbursing agents of the government, and for other purposes.\*

No money appropriated to be paid | strued to extend to balances arising  
to persons in arrears to the United | from the depreciation of treasury notes.  
States. Proviso: nothing to be con-

THAT no money hereafter appropriated shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided*, that nothing herein contained shall be construed to extend to balances arising solely from the depreciation of treasury notes received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the treasury department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

CHAPTER 53.—Approved, May 15, 1828.—Vol. 4, p. 269.

An Act for the relief of certain surviving officers and soldiers of the army of the revolution.†

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| <p>1. Officers of the revolution in the continental line, to receive pay according to rank not over captains.</p> <p>2. Pension since March 3, 1826, first deducted.</p> | <p>3. Non-commissioned officer, &amp;c., who enlisted in said line and served during the war. If not on pension list.</p> <p>4. How paid. Not transferable and liable to execution, &amp;c.</p> |
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SECTION 1. That each of the surviving officers of the army of the revolution in the continental line, who was entitled to

\* Not to apply to pensions, see act 20th May, 1836, vol. 5, p. 31.

† The provisions of this act extended to two years' service, &c., by the 7th June 1832, ch. 126, and to widows, by the 2d Feb. 1848, ch. 8, sec. 1.

half pay by the resolve of October twenty-first, seventeen hundred and eighty, be authorized to receive, out of any money in the treasury not otherwise appropriated, the amount of his full pay in said line, according to his rank in the line, to begin on the third day of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, that, under this act, no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

SEC. 2.\* That whenever any of said officers has received money of the United States, as a pensioner, since the third day of March, one thousand eight hundred and twenty-six, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to, under the first section of this act; and every pension to which said officer is now entitled shall cease after the passage of this act.

SEC. 3. That every surviving non-commissioned officer, musician, or private, in said army, who enlisted therein for and during the war, and continued in service until its termination, and thereby became entitled to receive a reward of eighty dollars, under a resolve of Congress, passed May fifteenth, seventeen hundred and seventy-eight, shall be entitled to receive his full monthly pay in said service, out of any money in the treasury not otherwise appropriated; to begin on the third day of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, that not non-commissioned officer, musician or private in said army, who is now on the pension list of the United States, shall be entitled to the benefits of this act.

SEC. 4. That the pay allowed by this act, shall, under the direction of the secretary of *the treasury*,† be paid to the offi-

\* This section not to embrace invalid pensioners, by the 31st May, 1830, ch. 228, vol. 4, p. 426, and the 14th July, 1832, ch. 237, vol. 4, p. 600.

† This section (3) not to apply to invalid pensioners, 14th July, 1832, ch. 237, vol. 4, p. 500, and see the 31st May, 1830, ch. 228, vol. 4, p. 426 making same provision.

‡ Of war, by the 3d March, 1835, ch. 46, sec. 4, supplied, and duties of, transferred to the interior, by the 3d March, 1849, ch. 108 sec. 6.



cer or soldier entitled thereto, or to their authorized attorney, at such places and days as said secretary may direct; and that no foreign officer shall be entitled to said pay, nor shall any officer or soldier receive the same, until he furnish to said secretary satisfactory evidence that he is entitled to the same in conformity to the provisions of this act; and the pay allowed by this act shall not, in any way, be transferable or liable to attachment, levy, or seizure, by any legal process whatever, but shall inure wholly to the personal benefit of the officer or soldier entitled to the same by this act.

SEC. 5. [Pay accrued by this act before March 3, 1828, to be paid.]  
[*Approved, May 15, 1828.*]

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CHAPTER 28.—Approved, March 2, 1829.—Vol. 4, p. 350.

An Act making provision for the payment of pensions to the widow or children of pensioners, in certain cases, and for other purposes.

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| 1. Arrears of pension to be paid to representatives of invalid pensioner dying before certificate. | 2. Arrears to be paid to widow, &c.<br>3. Proof of wounds. |
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SECTION 1. That in case of the death of any invalid pensioner, before the certificate of the continuance of his disability, required by the act, entitled "An act\* regulating the payments to invalid pensioners," passed March third, one thousand eight hundred and nineteen, was obtained, it shall be lawful for the secretary of war, and he is hereby directed, to pay to the legal representatives of such deceased invalid, the arrears of pensions due at the time of his death, at the rate at which it was fixed at his last examination: *Provided*, such last examination was within two years from the time of his death.

SEC. 2. That whenever any revolutionary pensioner shall die, the secretary of war shall cause to be paid the arrears

\* Ch. 81. The act of 1819 (providing for proof of wounds, &c.) is repealed by the 14th July, 1832, ch. 234, vol. 4, p. 599

of pension due to the said pensioner at the time of his death: and all payments under this act, shall be made to the widow of the deceased pensioner, or to her attorney, or if he left no widow, or she be dead, to the children of the pensioner, or to the guardian, or his attorney; and if no child or children, then to the legal representatives of the deceased.

SEC. 3. That in all cases of applications for pensions, for wounds received in the revolutionary war, the testimony to establish the facts may be authenticated in the same manner with those who apply for pensions for wounds received in the late war with Great Britain.

[*Approved, March 2, 1829.*]

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CHAPTER 38.—Approved, March 2, 1829.—Vol. 4, p. 357.

An Act providing for the printing and binding sixty thousand copies of the abstract of infantry tactics, including manœuvres of light infantry and riflemen, and for other purposes.

SECTION 1. Secretary of war to contract for 60,000 copies infantry tactics, &c. The system of discipline and field exercise observed by the regular army, to be observed by the militia. To be distributed among the states, territories, and District of Columbia, through their chief magistrates, &c.

SEC. 2. Appropriation. \$14,790.

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CHAPTER 42.—Approved, March 2, 1829.—Vol. 4, p. 360.

An Act to continue the present mode of supplying the army of the United States.\*

SECTION 1. Sections 6, 7, 8, 9 and 10, of act April 14, 1818; and section 8, of March 2, 1821, continued for 5 years.

SEC. 2. Two commissaries created.

\* See April 14, 1818, May 2, 1821, March 3, 1835.

## CHAPTER 179.—Approved, May 29, 1830.—Vol. 4, p. 417.

An Act to alter and amend the sixty-fifth article of the first section of an act, entitled "An act for establishing rules and articles for the government of the armies of the United States," passed the tenth of April, one thousand eight hundred and six.

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| 1. Courts-martial in certain cases to be appointed by the President of the United States. | directly to secretary of war, to be laid before the President U. S.          |
| * 2. Proceedings and sentence to be sent  | 3. Repeal of part of 65th article of 1st section of act of 10th April, 1806. |

SECTION 1. That, whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer of the army of the United States, under his command; the general court-martial for the trial of such officer shall be appointed by the President of the United States.

SEC. 2. That the proceedings and sentence of the said court shall be sent directly to the secretary of war, to be by him laid before the President for his confirmation or approval, or orders in the case.

SEC. 3. That so much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the armies of the United States, passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, be, and the same is hereby, repealed.

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 CHAPTER 183.—Approved, May 29, 1830.—Vol. 4, p. 418.

An act to exempt deserters, in time of peace, from the punishment of death.

THAT from and after the passage of this act, no officer or soldier in the army of the United States, shall be subject to the punishment of death, for desertion in time of peace.\*

\* See Articles of War, No. 20, April 10, 1806.

CHAPTER 228.—Approved, May 31, 1830.—Vol. 4, p. 426.

An Act to amend the act, entitled “An act for the relief of certain surviving officers and soldiers of the army of the revolution.”

[Invalid pensioners not to be subject to certain deductions.\*]

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RESOLUTION 6.—Approved, May 29, 1830.—Vol. 4, p. 430.

Resolution in relation to the compensation of officers of the marine corps.†

THAT the pay, subsistence, emoluments, and allowances received by the officers of the marine corps previous to the 1st April, 1829, be, and the same is, hereby directed to be continued to them from that date up to the 28th February, 1831.

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CHAPTER 67.—Approved, April 5, 1830.—Vol. 4, p. 504.

An Act providing for the organization of the ordnance department.

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| 1. Ordnance department to consist of,<br>&c. | 3. Repeal of part of act of 8th February, 1815. |
| 2. Ordnance sergeants.                       | 4. Government and pay.                          |

SECTION 1. That from and after the passage of this act, the ordnance department shall consist of one colonel,‡ one lieutenant-colonel, two majors and ten captains, and as many enlisted men as the public service may require, not exceeding two hundred and fifty.

SEC. 2. That the secretary of war be authorized to select from the sergeants of the line of the army, who shall have faithfully served eight years in the service, four years of which in the grade of non-commissioned officer, as many ordnance sergeants as the service may require,§ not to exceed one for each military post; whose duty it shall be to receive and preserve the ordnance, arms, ammunition, and other military stores, at the post under the direction of the

\* See July 14, 1832.

† See notes of acts concerning marine corps, vol. 1, p. 594.

‡ See 5th July, 1838.

§ 64 are in service. See President's Message, 1853, part 2, p. 103.

commanding officer of the same, and under such regulations as shall be prescribed by the secretary of war, and who shall receive for their services five dollars per month, in addition to their pay in the line.

SEC. 3. That the first section of the act passed on the eighth of February, one thousand eight hundred and fifteen, entitled "An act\* for the better regulation of the ordnance department; and so much of the second section of the act, entitled "An act† to reduce and fix the military peace establishment of the United States," passed the second of March, one thousand eight hundred and twenty-one, as provides for one supernumerary captain to each regiment of artillery, to perform ordnance duty, and so much of the fourth section of the same act as merges the ordnance department in the artillery, and reduces the number of enlisted men, be, and the same are, hereby repealed: *Provided*, that nothing contained in this act shall be so construed as to divest the President of the United States of authority‡ to select from the regiments of artillery such number of lieutenants as may be necessary§ for the performance of the duties of the ordnance department.

SEC. 4. That all officers and enlisted men authorized by this act, shall be subject to the rules and articles of war, and that the officers|| shall receive the pay and emoluments now allowed or which may hereafter¶ be allowed, to artillery officers.

[*Approved, April 5, 1832.*]

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RESOLUTION\*\* 3.—Approved, May 25, 1832.—Vol. 4, p. 605.

Resolution respecting the pay of the marines.

THAT the pay, subsistence, emoluments, and allowances of

\* Chap. 38.

† 2d March, 1821.

‡ By 2d March, 1821.

§ See 5th July, 1838, for additions, and 1st July, 1838, and 3d March, 1847.

|| See July 5, 1838.

¶ Includes \$10 per month for care of clothing, &c.

\*\* In the case of the United States against Freeman, 3 How. 566, Wayne, J., said that this resolution, respecting the pay and emoluments of the marine corps, was

officers,\* non-commissioned officers, musicians, and privates of the United States marine corps, shall be the same as they were previously† to the first of April, one thousand eight hundred and twenty-nine, and shall so continue until they shall be altered‡ by law.

[*Approved, May 25, 1818.*]

# CHAPTER 126.—Approved, June 7, 1832.—Vol. 4, p. 529.

An Act supplementary to the “Act for the relief of certain surviving officers and soldiers of the revolution.”

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| <p>1. Who served two years, to receive pay according to rank, not over captain's. Serving six months to receive an annuity.</p> <p>2. Pensioners to have benefits of this act until pension is relinquished.</p> <p>3. Where paid. Foreign officers not</p> | <p>entitled to, until evidence of right to. Not transferable, &amp;c.</p> <p>4. Payments. On death to widow or children.</p> <p>5. Service in navy to entitle to this act.</p> |
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SECTION 1. That each of the surviving officers, non-commissioned officers, musicians, soldiers and Indian spies, who shall have served§ in the continental line, or state troops, volunteers or militia, at one or more terms, a period of two years,|| during the war of the revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and¶ soldiers of the revolution,

repealed by the 5th section of the 30th June, 1834, ch. 68, but it may be questionable if the repeal covers the emoluments and subsistence and allowance to the non-commissioned officers and men; the question before the court being as to the emoluments of defendant, who was a commissioned officer.

\* The officers, as to pay, emoluments, &c., are put upon the same footing as those of the infantry by 30th July, 1834, ch. 132, sec. 5.

† If under the 18th April, 1814, ch. 84, and the President may fix, see 11th July, 1798, ch. 72, and note.

‡ See now for the pay of the non-commissioned officers and privates, the 2d March, 1833, ch 68, sec. 1.

§ Imprisonment as a prisoner of war to be computed, res. 9, July 14, 1832, vol. 4, p. 608.

|| The 15th May, 1828, ch. 53.

¶ Extended in case of death to the widow of such as have, or may die, if married before 1st January, 1794, by the 2d February, 1848, ch. 8; and see the 4th July, 1836, ch. 362, sec. 3, as to widows.

The pension of one dying after 4th March, 1831, and before 7th July, 1832, pay-

passed the fifteenth day of May, eighteen hundred and twenty-eight, be authorized to receive, out of any money in the treasury not otherwise appropriated, the amount of his full pay in the said line, according to his rank, but not exceeding, in any case, the pay of a captain in the said line; such pay to commence from the fourth day of March, one thousand eight hundred and thirty-one, and shall continue during his natural life; and that any such officer, non-commissioned officer, musician, or private, as aforesaid, who shall have served in the continental line, state troops, volunteers, or militia, a term or terms in the whole less than the above period, but\* not less than six months, shall be authorized to receive out of any unappropriated money in the treasury, during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years, as his term of service did to the term aforesaid; to commence from the fourth day of March, one thousand eight hundred and thirty-one.

SEC. 2. That no person† receiving any annuity or pension under any law of the United States providing for revolutionary officers and soldiers, shall be entitled to the benefits of this act, unless he shall first relinquish his further claim to such pension; and in all payments under this act, the amount which may have been received under any other act as aforesaid, since the date at which the payments under this act shall commence, shall first be deducted from such payment.

SEC. 3. That the pay allowed by this act, shall, under the direction of the secretary of the treasury,‡ be paid to the officer, non-commissioned officer, musician, or private, en-

able to widow or heirs, as if he had lived, by the 4th July, 1836, ch. 342, sec. 2, vol. 5, p. 128.

\* See how computation to be made by the res. No. 2, 2d March, 1833, vol. 4, p. 668.

† Unless they are invalid pensioners, February 19, 1833, ch. 31, vol. 4, p. 612.

‡ Of war, by the res. No. 4, 28th June, 1832, vol. 4, p. 605, now the secretary of the interior, by the 3d March, 1849, ch. 108, sec. 6.

titled thereto, or his or their authorized attorney, at such places and times as the secretary of the treasury may direct, and that no foreign officer shall be entitled to said pay, nor shall any officer, non-commissioned officer, musician or private, receive the same until he furnish the said secretary satisfactory evidence that he is entitled to the same, in conformity to the provisions of this act; and the pay hereby allowed shall not be in any way transferable or liable to attachment, levy, or seizure, by any legal process whatever, but shall inure wholly to the personal benefit of the officer, non-commissioned officer, musician, or soldier, entitled to the same.

SEC. 4. That so much of the said pay as accrued before the approval of this act, shall be paid to the person entitled to the same as soon as may be, in the manner and under the provisions above mentioned; and the pay which shall accrue thereafter shall be paid semi-annually, in the manner above directed; and, in case of the death of any person embraced by the provisions of this act, or of the act to which it is supplementary, during the period intervening between the semi-annual payments directed to be made by said acts, the proportionate amount of pay which shall accrue between the last preceding semi-annual payment, and the death of such person, shall be paid to his widow, or, if he leave no widow, to his children.

SEC. 5. That the officers, non-commissioned officers, mariners, or marines, who served for a like term in the naval service during the revolutionary war, shall be entitled to the benefits of this act, in the same manner as is provided for the officers and soldiers of the army of the revolution.

[*Approved, June 7, 1832.*]



306 22D CONG., 1ST SESS., CH. 131, 150, 151 & 223, 1832.

CHAPTER 131.—Approved, June 15, 1832.—Vol. 4, p. 533.

An act to authorize the President to raise mounted riflemen for the defence of the frontier.\*

SECTION 1. How armed, &c.

SEC. 2. Organization.

SEC. 3. Privates, &c., to arm and equip themselves. Officers' pay and emoluments.

SEC. 4. Provision in case of disability. Corps subject to rules and articles of war.

SEC. 5. Officers, how appointed.

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CHAPTER 150.—Approved, June 28, 1832.—Vol. 4, p. 550.

An act to increase the number of surgeons and assistant-surgeons in the army of the United States.†

[THE President authorized, by and with the advice and consent of the senate, to appoint four additional surgeons, and ten additional surgeon's mates, in the army of the United States.]

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CHAPTER 151.—Approved, June 28, 1832.—Vol. 4, p. 550.

An act further to extend the pensions heretofore granted to the widows of persons killed or who died in the naval service.

SECTION 1. Naval pensions continued to the widows, &c., for five years.‡

SEC. 2. Same provisions extended to widows of those who died from wounds.

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CHAPTER 223.—Approved, July 14, 1832.—Vol. 4, p. 580.

An act concerning certain officers of the marine corps.§

[THE President of the United States authorized to cause to be allowed and paid to such officers of the marine corps, as have heretofore received the brevet rank of majors in said corps, the amount of pay and

\* Superseded by act of 2d March, 1833.

† See July 14, 1836, further increasing the medical staff, and February, 1856.

‡ Five years more, 30 June, 1834, ch. 134, and 3 Mar. 1845, ch. 41, and 3 Mar. 1847, ch. 49; to cease on widow's death or marriage, 30 June, 1834.

§ See note to June 30, 1834.

emoluments to which they would have been entitled as commandants of separate stations, if said brevet rank had been recognized by the navy department: *Provided*, that no officer shall receive under this act more than the difference between the pay and emoluments actually received by them, and those to which their said brevet rank would have entitled them as aforesaid.]

[*Approved, July 14, 1832.*]

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CHAPTER 224.—Approved, July 14, 1832.—Vol. 4, p. 580.

An act supplementary to the several acts making appropriation for the civil and military service during the year one thousand eight hundred and thirty-two.

[EXTRACT.]

SECTION 4. That it shall be the duty of the district paymasters of the army of the United States, in addition to the payments required to be made by them to the regular troops, to make payment to all other troops in the service of the United States, whenever required thereto by order of the President.\*

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CHAPTER 237.—Approved, July 14, 1832.—Vol. 4, p. 600.

An act to amend the act, entitled “an act for the relief of certain surviving officers and soldiers of the army of the revolution.

[Third section of the act of May 15, 1828, ch. 53, not to embrace invalid pensioners, &c.]

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RESOLUTION 8.—Approved, July 14, 1832.—Vol. 4, p. 607.

Resolution to repeal a resolution, approved the twenty-ninth day of April, one thousand eight hundred and sixteen, authorizing the President of the United States to employ a skillful assistant in the corps of engineers.

[The resolution alluded to repealed.]

\* See act 2d March, 1833, ch. 61.

RESOLUTION 9.—Approved, July 14, 1832.—Vol. 4, p. 608.

Resolution in relation to the execution of the act, supplementary to the act for the relief of certain surviving officers and soldiers of the revolution.

THAT, in the execution of the act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution, approved June 7, 1832, the time of imprisonment as prisoners of war, shall be taken and computed as a part of the period of service.

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CHAPTER 31.—Approved, Feb. 19, 1833.—Vol. 4, p. 612.

An act to amend an act, entitled an act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution.

THAT the second section of the act, entitled an act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution, approved 7th June, 1832, shall not be construed to embrace invalid pensioners, and that the pensions of invalid soldiers shall not be deducted from the amount receivable by them under the said act.

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CHAPTER 33.—Approved, Feb. 19, 1833.—Vol. 4, p. 613.

An act for the payment of horses and arms, lost in the military service of the United States, against the Indians on the frontiers of Illinois and the Michigan territory.

SECTION 1. Horses owned by militiamen or volunteers, and lost whilst in the service of the United States, to be paid for.

SEC. 2. Value of arms and military accoutrements to be paid.

SEC. 3. How claims shall be examined; see act of April 9, 1816, ch. 10, and March 3, 1817, ch. 110.

CHAPTER 61.—Approved, March 2, 1833.—Vol. 4, p. 644.

An act making appropriation for the support of the army for the year one thousand eight hundred and thirty-three.

[EXTRACT.]

SECTION 2. That the secretary of war be authorized, at his discretion, out of the moneys appropriated by this, or any former act, for the payment of the militia ordered into the service of the United States, according to law, during the last year, to allow and pay to the district paymasters of the army of the United States employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amounts.

CHAPTER 68.—Approved, March 2, 1833.—Vol. 4, p. 647.

An act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion.

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| 1. Army. Term of enlistment, and pay.        | 6. No convict to be enlisted.                       |
| 2. Marine corps. Term of enlistment and pay. | 7. Seventh section of Act of 1812 repealed, ch. 86. |
| 5. Premiums and bounties abolished.          |   |

SECTION 1. That from and after the passage of this act, [all\* enlistments in the army of the United States, shall be for three years; and that the monthly pay of the non-commissioned officers and soldiers, shall be as follows, viz. to each sergeant major, quartermaster-sergeant, and chief musician, sixteen dollars; to the first sergeant of a company, fifteen dollars; to all other sergeants, twelve dollars each; to each artificer, ten dollars; to each corporal, eight dollars; and to each musician and private soldier, six dollars;] and that all enlistments in the marine corps, shall be for four years;† and that the monthly pay‡ of the non-commissioned

\* Part in brackets supplied by 5th July, 1838, ch. 162, sec. 16, vol. 5, p. 253.

† Ch. 132, sec. 3, June 30, 1834.

‡ Does this interfere with allowances for subsistence? See 11th July, 1798, ch. 72, sec. 2, and 25th May, 1832. Four years enlistment re-enacted 3d March, 1849.

officers and soldiers in said corps, shall be as follows, viz. to each sergeant-major and quartermaster-sergeant, seventeen dollars; to the drum-major, fife-major, the orderly sergeants of posts, and first sergeants of guards at sea, sixteen dollars each; to all other sergeants, thirteen dollars; to each corporal, nine dollars; to each musician, eight dollars; and to each private, seven dollars.

SEC. 2. [One dollar\* of monthly pay to be retained.]

SEC. 3.† [Bounty for re-enlistment.]

SEC. 4. [Pay of re-enlisted men.]

SEC. 5. That no premium to officers, for enlisting recruits, nor bounties to recruits for enlisting, shall be allowed after the passage of this act.

SEC. 6. That no person who has been convicted of any criminal offence, shall be enlisted into the army of the United States.

SEC. 7. That the seventh section of the act, entitled "An act making further provision for the army of the United States," passed on the sixteenth May, one thousand eight hundred and twelve, be, and the same is hereby, repealed, so far as it applies to any enlisted soldier, who shall be convicted by a general court-martial of the crime of desertion.

[*Approved, March 2, 1833.*]

## CHAPTER 76.—Approved, March 2, 1833.—Vol. 4, p. 652.

An act for the more perfect defence of the frontiers.

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| 1. Organization of regiment of dragoons.<br>2. Pay when mounted. Pay when on foot. | 3. To serve on horse or foot, and subject to rules and articles of war, &c. |
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SECTION 1. That in lieu of the battalion of mounted rangers authorized by the act of the fifteenth of June, one thousand eight hundred and thirty-two,‡ there be estab-

\* During whole term of enlistment by 3d March, 1849, ch. 103, sec. 8.

† Sections 3 and 4 appear to be supplied by 5th July, 1838, ch. 162, sec. 29, vol. 5, p. 260.

‡ Ch. 131, vol. 4, p. 533.

lished a regiment of dragoons, to be composed and organized as follows, to wit: one colonel, one lieutenant-colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant-major, one chief musician, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, exclusive of the lieutenant who is to be the adjutant of the regiment; four sergeants, one of whom shall act as quartermaster-sergeant to the company, *four corporals, two buglers, one farrier, and blacksmith, and sixty privates.*\*

SEC. 2. That the officers, non-commissioned officers, musicians, and privates, when mounted, be entitled to the same pay and emoluments as was allowed to dragoons during the war, and when on foot, the same pay and emoluments as are now allowed to the officers, non-commissioned officers, musicians, and privates, of a regiment of infantry; and that the farrier and blacksmith be allowed the same pay and allowances, as are allowed to an artificer of artillery.

SEC. 3. That the said regiment of dragoons shall be liable to serve on horse, or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that the officers, non-commissioned officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment.

[*Approved, March 2, 1833.*]

\* Companies re-organized by Act 23d August, 1842, ch. 186, sec. 1.

RESOLUTION 2.—Approved, March 2, 1833.—Vol. 4, p. 668.

Resolution in relation to the execution of the act, supplementary to the act for the relief of certain surviving officers and soldiers of the revolution.

THAT, in the execution of the act, supplementary to the act\* for the relief of certain surviving officers and soldiers of the revolution, approved June 7, 1832, whenever it shall be made to appear, that any applicant for a pension, under said act, entered the army of the revolution in pursuance of a contract with the government made previous to the 11th day of April, 1783, and continued in service until after that period, it shall be the duty of the secretary of war to compute the period of such applicant's service from the time he then entered the army, and until the date of the definitive treaty of peace, and to allow him a pension accordingly.

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CHAPTER 132.—Approved, June 30, 1834.—Vol. 4, p. 712.

An Act for the better organization of the United States "Marine Corps."

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| 1. Of what the marine corps shall consist.  | 5. Payment and emoluments.   |
| 2. To be subject to the laws for the government of the navy; except when on service with the army.  | 6. Staff.  |
| 3. Enlistments to be for 4 years. and marines exempt from arrest for debt.  | 7. Existing commissions not vacated.   |
| 4. Rank of officers as in the army. Proviso: no officer of the marine corps shall exercise command over any navy yard or vessel of the United States. | 8. President to prescribe regulations.   |
|   | 9. Part of former acts repealed. Proviso: nothing herein shall affect any right already acquired by ten years' expired service to brevet rank. |
|   | 10. All acts inconsistent with this repealed.  |

SEC. 1. That from and after the passage of this act, the marine corps shall consist† of the following officers, non-commissioned officers, musicians and privates, viz: one

\* Chap. 126.

† See, for addition during the Mexican War—2d March, 1847, chap. 40. This section (1) supplies the 3d March, 1809, chap. 33, vol. 2, p. 544; 16th April, 1814, chap. 58, sec. 1, vol. 3, p. 124, and 3d March, 1817, chap. 65, vol. 3, p. 376.

colonel-commandant, one lieutenant-colonel, four majors, thirteen captains, twenty, first lieutenants, twenty, second lieutenants, one adjutant and inspector, one paymaster, one quartermaster, one assistant-quartermaster, one sergeant-major, one quartermaster-sergeant, one drum-major, one fife-major, eighty sergeants, eighty corporals, thirty drummers, thirty fifers, and one thousand privates.

SEC. 2. That the said corps shall, at all times, be subject to, and under the laws and regulations which are, or may hereafter be, established for the better government of the navy, except when detached for service with the army by order of the President of the United States.

SEC. 3. That the officers, non-commissioned officers, musicians and privates, shall take the oath prescribed by law, and that all enlistments shall be for the term of four years, during which period marines, so enlisted, shall be, and are hereby, exempt from all personal arrest for debt or contract.

SEC. 4. That the officers of the marine corps shall be, in relation to rank, on the same footing as officers of similar grades in the army: *Provided*, That no officer of the marine corps shall exercise command over any navy yard or vessel of the United States.

SEC. 5.\* That the officers of the marine corps shall be entitled to, and receive the same pay, emoluments and allowances, as are now, or may hereafter be, allowed† to officers of similar grades in the infantry of the army, except the adjutant and inspector, who shall be entitled to the same pay,‡ emoluments and allowances, as are received by the paymaster of said corps; and the non-commissioned officers, musicians and privates, shall be entitled to the same pay, rations, clothing and allowances,§ as they now receive.

\* See note to Resolution 3 of 25 May, 1832, as to its repeal by this sec. (5).

† Query. Does this supply the 2d section of the 16th April, 1814, chap. 58, giving \$30 extra to the staff?

‡ See for pay, 2d March, 1833, chap. 68, sec. 1, but not the 2d March, 1827.

§ As "fixed by the President," by the 11th July, 1798, chap. 72, sec. 2, and Resolution 3, May 25, 1832. The pay is regulated by 2d March, 1833, chap. 68.



SEC. 6. That the staff\* of said corps shall be taken from the captains or subalterns of the corps.

SEC. 7. That the commissions of the officers now in the marine corps shall not be vacated by this act, and that the President of the United States may during the recess of the Senate, first by promotions according to rank and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

SEC. 8. That the President be, and he is hereby authorized to prescribe such military regulations for the discipline of the marine corps, as he may, in his judgment, deem expedient.

SEC. 9. That so much of the fourth section of an act, passed the 6th day of July, in the year one thousand eight hundred and twelve, entitled "An act making further provision for the army of the United States, and for other purposes,"† or of any other act as authorizes the President to confer brevet rank on such officers of the army or of the marine corps, as shall have served ten years in any one grade, shall be, and the same hereby is repealed; and so much of the second section of an act passed the sixteenth of April, one thousand eight hundred and eighteen, entitled "An act regulating the pay and emoluments of brevet‡ officers," as may be applicable to the clause herein above repealed, shall be, and the same hereby is also repealed: *Provided*, Nothing herein shall affect any right already acquired by ten years' expired service to brevet rank.

SEC. 10. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

[*Approved, June 30, 1834.*]

\*To be separated from the line of said corps, and pay of, 2d March, 1847.

† Chapter 137.

‡ Chapter 64.

CHAPTER 133.—Approved, June 30, 1834.—Vol. 4, p. 714.

An Act to increase and regulate the pay of the Surgeons and Assistant Surgeons of the army.

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| 1. Appointment of surgeons and assistants. | 3. Increase of rations after ten years' service. |
| 2. Pay and emoluments.                     |  |

SEC. 1. That from and after the passing of this act, no person shall receive the appointment of assistant surgeon in the army of the United States, unless he shall have been examined and approved by an army medical board, to consist of not less than three surgeons or assistant surgeons, who shall be designated for that purpose by the Secretary of War; and no person shall receive the appointment of surgeon in the army of the United States, unless he shall have served at least five years as an assistant surgeon, and unless, also, he shall have been examined by an army medical board constituted as aforesaid.

SEC. 2. That the surgeons in the army of the United States shall be entitled to receive the pay and emoluments of a major; and the assistant surgeons, who shall have served five years, shall be entitled to receive the pay and emoluments of a captain; and those who shall have served less than five years, the pay and emoluments of a first lieutenant; and that said assistant surgeons shall be entitled to receive the same allowance for forage as they are at present entitled to.

SEC. 3. That every surgeon and assistant surgeon, who shall have served faithfully ten years in these grades, respectively, shall be entitled to receive an increase of rations, per day, equal to the number of rations to which he may be entitled under this act.

CHAPTER 134.—Approved, June 30, 1834.—Vol. 4, p. 714.

An Act\* concerning Naval Pensions and the Naval Pension Fund.

THAT all the provisions and benefits of the act of the 28th June, 1832, entitled "An act further to extend the pension heretofore granted to the widows of persons killed or who died in the naval service," be continued for another term of five years to all those widows who have heretofore had the benefit of the same, and the same are hereby also extended to the widows of officers, seamen and marines, who have died in the naval service since the first day of January, 1824, or who may die in said service, by reason of disease contracted, or of casualties by drowning or otherwise, or of injuries received while in the line of their duty, and the pensions of such widows shall commence from the passage of this act: *Provided*, That every pension hereby granted shall cease on the death or marriage of such widow.

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CHAPTER 142.—Approved, June 30, 1834.—Vol. 4, p. 718.

An Act making certain Allowances, and granting certain Arrearages to the Captains and Subalterns of the United States corps of Marines.

THAT from and after the passage of this act, the Secretary of the Navy be, and he is hereby, authorized to extend the benefits of the act of March, one thousand eight hundred and twenty-seven, entitled "An act giving certain compensation to the captains and subalterns of the army of the United States in certain cases," to the captains and subalterns of the corps of United States marines under similar cases.

\*This act is more extended than that of 28th June, 1832.

CHAPTER 153.—Approved, June 30, 1834.—Vol. 4, p. 726.

An Act to provide for the Payment of Claims, for Property lost, captured or destroyed by the enemy, while in the military service of the United States, during the late war with the Indians on the frontiers of Illinois and Michigan Territory.\*

SEC. 1. Officers and others to be paid the value of property lost.  
Provisoos:

SEC. 2. Volunteers or draughted militiamen to be allowed for arms, &c. lost.

SEC. 3. Parents or guardians to receive compensation on account of deceased minors.

SEC. 4. Third Auditor to adjudicate the claims. Proviso:

SEC. 5. Amount allowed to be paid if not exceeding \$200.

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CHAPTER 161.—Approved, June 30, 1834.—Vol. 4, p. 729.

An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve peace on the frontiers.

20. Penalty for disposing of spirituous liquors to Indians. Search may be made for such liquors, &c.

21. Penalty for setting up a distillery.

[EXTRACT.]

SEC. 20. That if any person † shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian ‡ country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States

\* Repealed by act of January 18, 1837.

† Except Indians who have been punished by the law of the tribe. See 27th March, 1854, chap. 26, sec. 3.

‡ Unless the exclusive jurisdiction thereof has been secured to the tribe by treaty, 27th March, 1854, chap. 26, sec. 3.

and troops of the service, under the direction of the war department, such person shall forfeit and pay\* a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies as mentioned in this section.

SEC. 21. That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

[*Approved, June 30, 1834.*]

\* And be imprisoned 1 or 2 years, by act 3d March, 1847, chap. 65, sec. 2.

CHAPTER 162.—Approved, June 30, 1834.—Vol. 4, p. 735.

An Act to provide for the organization of the Department on Indian Affairs.

[EXTRACT.]

SEC. 4. \* \* \* \* \* And it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

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CHAPTER 49.—Approved, March 3, 1835.—Vol. 4, p. 780.

An Act to render permanent the present mode of supplying the army of the United States, and fixing the salary of certain clerks therein named.

THAT the seventh, eighth, ninth and tenth sections of the act entitled "An act regulating the staff of the army," passed April fourteenth, eighteen hundred and eighteen, be and the same are hereby continued in force until repealed by Congress.

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RESOLUTION 2.—Approved, Feb. 13, 1835.—Vol. 4, p. 792.

Resolution presenting a gold medal to George Croghan, and a sword to each of the officers under his command, for their gallantry and good conduct, in the defence of Fort Stephenson, in eighteen hundred and thirteen.

[Gold medal to be presented to Col. Croghan. Swords to be presented to other officers.]

## CHAPTER 44.—Approved, March 19, 1836.—Vol. 5, p. 7.

An Act \* to provide for the Payment of Volunteers and Militia Corps, in the service of the United States.

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| 1. Volunteers and militia paid, &c. as the infantry.<br>2. Allowances to officers of mounted men.<br>3. For traveling to rendezvous. | 4. Wounded or disabled in Florida.<br>5. Widows, &c. of those dying in service. Rules of proof.<br>6. What volunteers and militia are included in these provisions. |
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SEC. 1. That the officers, non-commissioned officers, musicians, artificers and privates, of volunteer and militia corps, who have been in the service of the United States, at any time since the first day of November, in the year of our Lord one thousand eight hundred and thirty-five, or may hereafter be in the service† of the United States, shall be entitled to and receive the same monthly pay, rations, clothing or money in lieu thereof, and forage, and be furnished with the same camp equipage, including knapsacks, as are, or may be provided by law for the officers, musicians, artificers and privates, of the infantry of the army of the United States.

SEC. 2. That the officers of all mounted companies who have been in, or may hereafter be in, the service of the United States, shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and that forty cents per day be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. That each non-commissioned officer, musician, artificer and private, of all mounted companies, shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same shall be fur-

\* This act supplies the 22d Jan. 1795, chap. 9, vol. 1, p. 408.

† See for expenses of, when marching to rendezvous, the 20th April, 1818, chap. 84.

nished by himself, or twelve and a half cents per day for either as the case may be.

SEC. 3. That the officers, non-commissioned officers, musicians, artificers and privates, shall be entitled to one day's pay, subsistence, and other allowances, for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 4. That the volunteers or militia, who have been or who may be received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 5. That when any officer, non-commissioned officer, artificer, or private, of said militia or volunteer corps, who shall die in the service of the United States, or returning to his place of residence after being mustered out of service or at any time in consequence of wounds received in service, and shall leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of said decedent: *Provided always*, That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe.

SEC. 6. That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are directed to be paid, shall embrace those only ordered into service by the commanding general or governors of states and of the territory of Florida under authority from the war department for repressing the hostilities of the Florida Indians.

[*Approved, March 19, 1836.*]



CHAPTER 59.—Approved, May 9, 1836.—Vol. 5, p. 17.

An Act making appropriations for the Civil and Diplomatic Expenses of Government for the year one thousand eight hundred and thirty-six.

SEC. 2. That it shall be the duties of the secretaries of state, of the treasury, of the war and navy departments, and of the postmaster general, and the secretary of the senate, and clerk of the house of representatives, to lay before congress, in lieu of the statement now required by law, during the first week in each annual session of congress, a statement of the expenditures made by them respectively from the contingent funds of their respective departments and offices; that of the secretary of state to include all the contingent expenses of foreign intercourse, and of all the missions abroad except such expenditures as are settled upon the certificate of the President; said statements to be abstracts of the accounts with the names of all persons to whom payments have been made and the amount paid to each.

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CHAPTER 60.—Approved, May 9, 1836.—Vol. 5, p. 26.

An Act providing for the Salaries of certain Officers therein named, and for other purposes.

THAT the authority\* claimed under the acts approved March twenty-eighth, eighteen hundred and twelve, and May twenty-second, eighteen hundred and twelve, or by any other act for the employment of non-commissioned officers, or the appointment of extra clerks in any of the offices of the war department be, and the same are hereby repealed. *Provided however,* That where express appropriations are made by law, for the employment of clerks, such employment shall not be deemed to be extra, within the meaning of the above act.

\* There do not appear to be any such provisions.

CHAPTER 77.—Approved, May 20, 1836.—Vol. 5, p. 31.

An Act explanatory of the act entitled "An act to prevent Defalcations on the part of the Disbursing Agents of the Government, and for other purposes."

THAT, the act entitled "An act\* to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

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CHAPTER 80.—Approved, May 23, 1836.—Vol. 5, p. 32.

An Act authorizing the President of the United States to accept the service of Volunteers; and to raise an additional regiment of Dragoons or Mounted Riflemen.

SEC. 1. President may accept the services of 10,000 volunteers, to serve 6 or 12 months, unless sooner discharged.

SEC. 2. To do military duty only in Indian hostilities or to repel invasions, and to be on the same footing with similar troops of the United States army.

SEC. 3. To be received in companies, battalions, &c., to be commanded by their own commissioned officers.

SEC. 4. To be organized by the President into battalions, &c.

SEC. 5. To be entitled to benefits of wounds like other troops.

SEC. 6. A regiment of dragoons to be organized, to be composed like those now in service. †

SEC. 7. President may disband this regiment when no longer necessary.

SEC. 8. This act as far as relates to volunteers to be in force for two years only.

\* Chap. 2.

† By the 2d March, 1833, chap. 76, vol. 4, p. 652.

## CHAPTER 356.—Approved, July 4, 1836.—Vol. 5, p. 117.

An Act to authorize the appointment of additional Paymasters, and for other purposes.

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| <p>3. The President, when necessary, may assign the duties of a paymaster to any officer of the army. Proviso: the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers. Proviso: the whole emoluments of said officers, &amp;c. shall not exceed the pay, &amp;c.</p> | <p>4. The President may appoint three additional surgeons and five assistant surgeons.</p> <p>5. In absence of the quartermaster-general, &amp;c., the President may empower others to perform the duties. Proviso: no additional compensation allowed therefor.</p> |
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[SEC. 1. The President may appoint three additional paymasters, to be confirmed by the senate.

SEC. 2. To perform the same duties and be subject to the same rules as other paymasters.\*]

SEC. 3. That when volunteers or militia are called into service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to assign to any officer of the army the duty of paymaster, who, while so assigned, shall perform the same duty, give the same bond, be subject to the same liability and receive the same emoluments as are now provided for paymasters of the army: *Provided however*, That the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers: *And provided also*, That the whole emoluments of the said officers, including their pay and allowances in the line, shall not exceed the pay and emoluments of a paymaster.†.

SEC. 4. That the President of the United States be and he hereby is authorized and empowered to appoint three additional surgeons and five assistant surgeons, to be attached to the medical staff of the army.

SEC. 5. That during the absence of the quartermaster-general, or the chief of any other military bureau of the war department, the President be authorized to empower

\* See 12th April, 1808, chap. 43.

† See 12th April, 1808, chap. 43.

some officer of the department or corps whose chief is absent to take charge thereof and to perform the duties of quartermaster-general or chief of the department or corps, as the case may be, during such absence: *Provided*, That no additional compensation be allowed therefor.

[*Approved, July 4, 1836.*]

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CHAPTER 362.—Approved, July 4, 1836.—Vol. 5, p. 127.

An Act granting Half Pay to Widows or Orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes.

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| <p>1. Five years' half pay to widows or orphans of militia who have died, &amp;c. in service since 20th April, 1818. Half pay of infantry. Not over a lieutenant-colonel.</p> | <p>2. Act of 7th June, 1832, chap. 126, extended to widows or children.</p> <p>3. And to widows, under the 7th June, 1832, chap. 126.</p> <p>4. Transfers void. Oath of agent.</p> <p>5. Forms by secretary of war.</p> |
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SEC. 1. That when any officer, non-commissioned officer, musician or\* private of the militia, including rangers, sea fencibles, and volunteers, shall have died while in the service of the United States, since the twentieth of April, eighteen hundred and eighteen, or who shall have died in consequence of a wound received whilst in the service, since the day aforesaid,† and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death or receiving such wound, for and during the term of five‡ years; and

\* Extended to widows and orphans of soldiers on, or since the 1 March, 1846, or during the war with Mexico, by the 21 July, 1848, chap. 108, sec. 1, and to those who died of wounds since 1 April, 1846, or in the war with Mexico, sec. 2 same act; or who have remained in the service until their death, or have died since their return home, Feb. 22, 1849, chap. 62. And see the 3 Feb. 1852, chap. 41, for further extensions and provisions.

† And since the passage of this act, by res. No. 7.

‡ Five years more by the 3 Feb. 1853, sec. 1, chap. 41.

in case of the death or marriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the said decedent: *Provided*, That the half pay aforesaid shall be half the monthly pay of the officers, non-commissioned officers, musicians and privates of the infantry of the regular army, and no more: *Provided also*, That no greater sum shall be allowed to the widow or to the child or children of any officer, than the half pay of a lieutenant colonel.

SEC. 2. That if any officer, non-commissioned officer, musician, soldier, Indian spy, mariner or marine, whose service during the revolutionary war was such as is specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died since the fourth day of March, eighteen hundred and thirty-one, and before the date of said act, the amount of pension which would have accrued from the fourth day of March, eighteen hundred and thirty-one, to the time of his death, and become payable to him by virtue of that act, if he had survived the passage thereof, shall be paid to his widow; and if he left no widow, to his children, in the manner prescribed in the act hereby amended.

SEC. 3. That if any person who served in the war of the revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died, leaving a widow whose marriage took place before\* the expiration of the last period of his service, such widow shall be entitled to receive, during the time she may remain unmarried,† the annuity or pension which might

\* Or since, by the 7 July, 1838, res. No. 7. And of those in service till 3 November, 1793, by the 3 March, 1837, chap. 42.

† Pension not to be withheld on account of subsequent marriage, 3 March, 1837, chap. 42, and the 23d August, 1842, chap. 191.

have been allowed to her husband, by virtue of the act aforesaid, if living at the time it was passed.

SEC. 4. That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any money or half pay granted by this act, shall be utterly void and of no effect; each person acting for and in behalf of any one entitled to money under this act, shall take and subscribe an oath, to be administered by the proper accounting officer and retained by him and put on file, before a warrant shall be delivered to him, that he has no interest in said money by any pledge, mortgage, sale, assignment or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

SEC. 5. That the secretary of war shall adopt such forms of evidence, in applications under this act, as the President of the United States shall prescribe.

[*Approved, July 4, 1836.*]

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CHAPTER 5.—Approved, January 18, 1837.—Vol. 5, p. 142.

An Act to provide Payment for Horses and other property lost or destroyed in the Military Service of the United States.\*

SEC. 1. Officers and others to be paid the value of their horses. Proviso.

SEC. 2. Volunteers or draughted militiamen to be allowed for arms, &c. lost.

SEC. 3. Payment for horses, mules, wagons, &c.

SEC. 4. Claims to be adjusted by third auditor, under rules prescribed by secretary of war, &c. Rules, &c. to be published.

SEC. 5. Entry of all adjudications to be made; claimants to be paid on producing certified copies thereof.

SEC. 6. Payment for losses by minors to be made to parents or guardians.

SEC. 7. Persons other than minors to be paid for property risked by them which has been lost.

SEC. 8. Acts of 19th Feb. 1833, and 30th June, 1834, repealed.

SEC. 9. Act to expire with next session of congress.

\*Expired by limitation. See sec. 9.

CHAPTER 38.—Approved, March 3, 1837.—Vol. 5, p. 180.

An Act\* to provide for the more equitable administration of the Navy Pension Fund.

SEC. 1. Half pay to widows, &c. of officers, seamen and marines to commence from death of such officers, &c. To cease on marriage, and child being twenty-one.

SEC. 2. Pensions for wounds, &c. from time of being disabled.

SEC. 3. Inconsistent acts repealed.

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CHAPTER 42.—Approved, March 3, 1837.—Vol. 5, p. 187.

An Act explanatory of the act entitled "An act granting Half Pay to Widows and Orphans where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes."

1. The act of 1836, chap. 362, not to be withheld from widows having married, &c. If a widow at that time.	2. Widows of those in service to 3d Nov., 1783, and before, entitled.
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SEC. 1. That the benefits of the third section of the act entitled "An act granting half pay to widows and orphans, where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes," approved the fourth day of July, eighteen hundred and thirty-six, shall not be withheld from any widow, in consequence of her having married after the decease of the husband for whose services she may claim to be allowed a pension or annuity under said act: *Provided*, That she was a widow at the time it was passed.

SEC. 2. That the widow of any person who continued in the service of the United States until the third day of November, seventeen hundred and eighty-three, and was married before that day, and while her husband was in such service, shall be entitled to the benefits of the third section of the aforesaid act.

\* Repealed by 23 August, 1842, chap. 189, sec. 2, and see Aug. 16, 1841, ch. 8.

CHAPTER 5.—Approved, Oct. 14, 1837.—Vol. 5, p. 204.

An Act to amend an act entitled "An act to provide Payment for Horses and other Property lost in the Military Service of the United States." \*

THAT any person who has turned over to the service of the United States his horse, saddle, bridle, or equipments, by the order of the commanding general, or other commanding officer, shall be paid the value thereof: That the claims provided for under this act shall be adjusted by the third auditor, under such rules as shall be prescribed by the secretary of war, with the assent of the President. This act, and the act to which this is an amendment,† shall extend to mules as well as to horses. Decisions under this act shall be recorded as they are required to be recorded by the act aforesaid, and payment shall be made as is required by that act. This act shall extend to cases where any person mentioned in the act to which this is an amendment shall have died in the service, and his horse, saddle, bridle, or equipments, shall have been turned over to an officer, or other person for the benefit of the United States, by order of the officer commanding, and not restored to the representative of the deceased, or paid for by the United States.

CHAPTER 162.—Approved, July 5, 1838.—Vol. 5, p. 256.

An Act to Increase the present Military Establishment of the United States, and for other purposes.

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| <p>1. One company to each regiment of artillery, &amp;c. Companies of. A regiment of infantry.</p> <p>2. The President to increase corps of engineers. Pay of.</p> <p>3. The 29 of April, 1812, in part repealed. Paymaster to pay department, &amp;c.</p> | <p>4. Increase of topographical engineers</p> <p>5. Vacancies, how filled. Pay and emoluments.</p> <p>6. Employment of civil engineers, repealed.</p> <p>7. As many assistant adjutant generals as necessary, to act as inspectors.</p> |
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\* See act of 27 Feb. 1841.

† January 18, 1837.



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| <p>8. Pay of officers taken from the line to staff. Rank and promotion.</p> <p>9. Increase of quartermaster's department. Rank. Pay and emoluments. To relinquish rank, &amp;c.</p> <p>10. Quartermaster-general to employ forage and wagon-masters.</p> <p>11. Increase of the commissariat.</p> <p>12. Pay of stewards of hospitals.</p> <p>13. Increase of the ordnance department. Pay and emoluments of.</p> <p>14. Construction of 4th sec., act 5th April, 1832. Extra pay. If commanding a company.</p> <p>15. Additional ration for every five years' service.</p> <p>16. Duration of enlistments. Pay of non-commissioned officers and soldiers. Pay retained.</p> <p>17. Sugar and coffee in lieu of spirits.</p> <p>18. Of persons to act as chaplains. Pay, &amp;c.</p> <p>19. Professor of chemistry, &amp;c. Assistant to.</p> <p>20. Citizens, paymaster's clerks.</p> | <p>21. Letters, &amp;c. on public business to be free.</p> <p>22. Regiments of riflemen and light infantry.</p> <p>23. Acts inconsistent repealed.</p> <p>24. Pay of the pay and medical departments.</p> <p>25. Additional paymasters when militia in service. Their duties, &amp;c. One for two regiments; retained only while paying.</p> <p>26. Pay of ordnance storekeepers acting as paymasters.</p> <p>27. Engineers, when to disburse.— Compensation for. Proviso: the whole amount of emoluments shall not exceed 1 per cent. on the sum disbursed.</p> <p>28. Time of cadets extended.</p> <p>29. Re-enlistment, extra pay for, in lieu of bounty. And 160 acres for ten years' service.</p> <p>30. The 16 March, 1802, and 12 April, 1808, fixing the height of men, repealed.</p> <p>31. No separation from regiments for civil works, &amp;c.</p> <p>33. Seven surgeons more. Pay, &amp;c.</p> |
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SEC. 1. That there shall be added to each of the four regiments\* of artillery, one company, to be organized in the same manner as authorized by existing† laws, with the exceptions hereafter mentioned; *that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates*, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized under the direction of the President of the United States, one regiment of infantry,

\* But see the 23 Aug. 1842, chap. 186, sec. 1, fixing the number of non-commissioned officers and men of artillery and infantry companies.

† Organized by the 16 Mar. 1802, chap. 9, sec. 26, and increased, &c., by the 29 April, 1812, chap. 72.

to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service\* of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

SEC. 2. That the President of the United States be and he is hereby, authorized to add to the corps† of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and six second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed‡ to the officers of the regiment of dragoons.

SEC. 3. That so much of the act§ passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be and the same is hereby repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect, placed on the footing of other paymasters of the army.

SEC. 4. That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

SEC. 5. That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and twenty-four; that the pay and emoluments to the officers of said

\* Organized by the 2 March, 1821, chap. 13, sec. 2.

† Ibid.

‡ By the 12 April, 1808, chap. 43, sec. 4.

§ Chap. 72, sec. 1.

corps shall be the same as are allowed \* to officers of similar rank in the regiments of dragoons.

SEC. 6. That the authority to employ civil engineers, in the act† of the thirtieth of April, eighteen hundred and twenty-four, be and the same is hereby repealed after the passage of this act.

SEC. 7. That the President of the United States shall be and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding‡ two, with the brevet rank, pay, and emoluments of a major, and not exceeding four, with the brevet rank, pay and emoluments of a captain§ of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and in addition to their own, perform the duties of assistant inspectors general when the circumstances of the service may require.

SEC. 8. That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

SEC. 9. That the President of the United States be and he is hereby authorized, by and with the advice and consent of the senate, to add to the quartermaster's department not exceeding two assistant quartermasters general with the rank of colonel, two deputy quartermasters general, with the rank of lieutenant colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermas-

\* By the 12 April, 1808, chap. 43, sec. 4.

† Chap. 46.

‡ Four more authorized by the 18 June, 1846, chap. 29, sec. 6, and three more by the 3 Mar. 1847, chap. 61, sec. 2.

§ See note †.

ter's department, shall be the same as are allowed\* to officers of similar rank in the regiments of dragoons: *Provided*, That all appointments in the quartermaster's departments shall be made from the army, and when officers taken for such appointments hold rank in the line, *they shall thereupon relinquish† said rank, and be separated from the line of the army*; and that promotion in said department shall take place as in regiments and corps.

SEC. 10.‡ That the quartermaster general be and he is hereby authorized from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

SEC. 11. That there be added to the commissariat of subsistence one assistant commissary general of subsistence,§ with the rank, pay and emoluments of a lieutenant colonel of cavalry; one commissary of subsistence with the rank, pay and emoluments of a quartermaster of the army; and three commissaries of subsistence|| with the rank, pay and emoluments of assistant quartermasters.

SEC. 12. That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing and rations of a sergeant of ordnance, and, at all other posts, the pay, clothing and rations of the first sergeant of a company of infantry.

\* See act 30th April, 1824, chap. 46.

† The clause (sec. 9) in Italics as to rank is repealed by the 7 July, 1838, chap. 194.

‡ This section (10) supplies the 12th, 13th, 14th, 15th and 16th sections of the 28 Mar. 1812, chap. 46, vol. 2, p. 698.

§ The office of Commissary-General was abolished by the 23 Aug. 1842, chap. 186, sec. 3.

|| Not to be separated from the line of the army, by the 7 July, 1838, ch. 194.

SEC. 13. That the President of the United States be, and he is hereby authorized to add\* to the ordnance department† whenever he may deem it expedient to increase the same, by and with the advice of the senate, two majors, and that he be further authorized to transfer ten first lieutenants and ten‡ second lieutenants from the artillery to the ordnance department, and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiment of dragoons.§

SEC. 14. That so much of the fourth section of the act|| passed fifth of April, eighteen hundred and thirty-two, for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act¶ passed second of March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases: *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance equal to a company of artillery, and thereby incurred the aforesaid responsibilities.

SEC. 15. That every commissioned officer of the line or staff exclusive\*\* of general officers shall be entitled†† to

\* Increase of, by the 3 March, 1847, chap. 61, sec. 16.

† Organization of, 5 April, 1832, chap. 67.

‡ "Twelve" by the 7 July, 1838, ch. 194; but see now the 3 March, 1847, ch. 61, sec. 16, increasing the corps.

§ See note 1 to sec. 5; formerly paid as the artillery, by the 8 Feb. 1815, ch. 38, sec. 11.

|| Chap. 67.

¶ Chap. 42.

\*\* Paymaster and Surgeon-General to receive the additional rations, by 7 July, 1838, chap. 194.

†† But no back rations, by the 7 July, 1838, chap. 194.

receive one additional ration per diem for every five years he may have served or shall serve in the army of the United States: *Provided*, That in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

SEC. 16. That from and after the passing of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, *eight* dollars:\* *Provided*, That *two*† dollars per month of said pay be retained until the expiration of his term of service.

SEC. 17. That the allowance of sugar and‡ coffee to the non-commissioned officers, musicians and privates, in lieu of the spirit or whiskey component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations, to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid in money.

SEC. 18. That it shall be lawful for the officers composing the council of administration at any§ post, from time to time, to employ such person as they may think proper to officiate as chaplain, who shall also perform the duties of schoolmaster at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council

\* "Seven," by the 7 July, 1838, chap. 194.

† "One," by the same act.

‡ Malt liquor and low wines, by the 26 May, 1804, ch. 39, sec. 2, vol. 2, p. 290.

§ Only for twenty posts approved by the Secretary at War, by the 7 July, 1838, chap. 198, and now ten additional, by the 2 Mar. 1849, chap. 83, sec. 3.

of administration, with the approval of the secretary of war; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.

SEC. 19. That an additional\* professor be appointed to instruct in the studies of chemistry, mineralogy, and geology with the pay and emoluments now allowed to the professor of mathematics; and that the secretary of war may assign to the said professor an assistant, to be taken from the officers of the line or cadets: which assistant professor will receive the pay and emoluments† allowed to other assistant professors.

SEC. 20. That whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be and hereby are authorized and empowered by and with the approbation of the secretary of war to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum, each.

SEC. 21. That all letters and packages on public business, to and from the commanding general, the colonel of ordnance, the surgeon general, and the head of the topographical corps, shall be free from postage.

SEC. 22. That the President shall be and he is hereby authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped and to serve as regiments of riflemen, and one other of the regiments of infantry to be armed and equipped and to serve as a regiment of light infantry.

SEC. 23. That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed.

SEC. 24. That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry of the same grades‡ re-

\* See the 29 April, 1812, chap. 72, for professors and assistants, and pay of.

† See the act quoted in preceding note.

‡ See, for modification of this provision, the 3 Mar. 1845, ch. 65, sec. 1, if it modifies anything.

spectively, according to which they are now paid by existing laws.

SEC. 25. That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments as are now provided for paymasters of the army: *Provided, however,* That the number so appointed shall not exceed one for every two regiments of militia or volunteers: *And provided also,* That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

SEC. 26. That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

SEC. 27. That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and as a *compensation\* therefor, may be allowed by the secretary of war at the rate of two dollars per diem, during the continuance of such disbursements: Provided, That the whole amount of emoluments shall not exceed one per cent. on the sum disbursed.*

SEC. 28. That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be and the same is hereby increased to *eight†* years, unless sooner discharged.

SEC. 29. [That in lieu of the bounty now‡ provided by law for re-enlistment, every able-bodied non-commissioned§

\* This compensation abolished, by the 7 July, 1838, chap. 194.

† Formerly, five years, by the 29 April, 1812, chap. 72, sec. 3.

‡ By the 2 Mar. 1833, chap. 68, sections 4 and 5.

§ Extended to non-commissioned officers of marines, by 10 Aug. 1848, res. 24,



officer, musician or private soldier, who may re-enlist into his company or regiment within two months before or one month after the expiration of his term of service, shall receive three months' extra pay; and also any non-commissioned officer or soldier who shall serve ten consecutive years, and shall obtain from the commanding officer of his company, battalion or regiment, a certificate\* that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law, which land shall be patented to the soldier or his heirs, and be not assignable until patented.]

SEC. 30. That so much of the eleventh section of the act† of the sixteenth March, eighteen hundred and two, and so much of the fifth section of the act‡ of the twelfth of April, eighteen hundred and eight, as fix the height of enlisted men at five feet six inches, be and the same are hereby repealed.

SEC. 31. That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies, and no officer of the line of the army shall hereafter be employed as acting paymaster, or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper.

SEC. 32. [Pay, &c., of superintendents§ of Springfield and Harper's Ferry.]

SEC. 33. That the President be, and he is hereby authorized, by and with the advice and consent of the senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall re-

\* This grant of land repealed, by the 7 July, 1838, chap. 194, par. 8th. Two months' extra pay for re-enlistment, 2 Mar. 1833, chap. 68, sec. 3.

† Chap. 9.

‡ Chap. 43.

§ These offices abolished, by the 23 Aug. 1842, chap. 186, sec. 2.

ceive the pay and allowances of officers of the same grades respectively.

[*Approved, July 5, 1838.*] .

See April 29, 1812, ch. 72, engineers; Mar. 28, 1812, ch. 46, quartermasters' department; April 14, 1818, ch. 61, staff; April 16, 1818, ch. 64, brevet; April 5, 1832, ch. 67, ordnance; July 7, 1838, ch. 194.

CHAPTER 189.—Approved, July 7, 1838.—Vol. 5, p. 303.

An Act granting Half Pay and Pensions to certain Widows.

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| 1. Five years' pension granted to widows of officers and soldiers, &c. | liable to debts. Oath by attorneys before delivery of warrant. |
| 2. No pledge, sale, &c. valid. Not                                     | 3. Regulations.  |

SEC. 1. That if any person who served in the war of the Revolution, in the manner\* specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act† supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," have died,‡ leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, seventeen hundred and ninety-four,§ such widow shall be entitled to receive, for and during the term of five years|| from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband in virtue of said act, if living at the time it was passed: *Pro-*

\* And also mariners and marines, by the 29 July, 1848, chap. 120, sec. 1.

† Chap. 126.

‡ This provision extended to the widows of those who have died since this act, by res. 3, Mar. 1851, No. 6, and on death after, by the 16 Aug. 1842, res. No. 8, vol. 5, p. 584, and by the 2 Feb. 1848, chap. 8.

§ 1800, by the 29 July, 1848, chap. 120, sec. 1.

|| Extended for four years by the 3 Mar. 1843, chap. 102, vol. 5, p. 647, and widow pensioners under special acts of Congress to have the benefit of this act, by the 17 June, 1844, chap. 105, and now for life, by the 2 Feb. 1848, chap. 8, and by same act, to widows who are pensioners by special acts.

*vided*,\* That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. That no† pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay, or pension, granted by this act, shall be valid, nor shall the half pay, annuity, or pension, granted by this act, or any former act of Congress, be liable to attachment, levy, or seizure, by any process in law, or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation, to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding, or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

SEC. 3. That the *secretary of war* shall adopt such regulations and forms of evidence, in relation to applications and payments under this act as the President of the United States may prescribe.

[*Approved, July 7, 1838.*]

Aug. 23, 1842, ch. 191.

## CHAPTER 194.—Approved, July 7, 1838.—Vol. 5, p. 308.

An Act supplementary to an act entitled "An act to ‡ increase the present Military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.

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| 1. Back rations not to be allowed for time past. | 2. Number of chaplains limited to twenty—to be approved by secretary of war. |
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\* This restriction is abolished, and if a widow at the time of the application, it is enough, by the 23 Aug. 1842, chap. 191, vol. 5, p. 521, but by the 2 Feb. 1848, chap. 8, the pension, on marriage of the widow, is to be discontinued.

† Same provision in the 29 July, 1848, chap. 120, sec. 1.

‡ Chap. 162, *ante*.

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| <p>3. Assistant quartermasters not to be separated from the line.</p> <p>4. The number of ordnance lieutenants limited to twelve.</p> <p>5. Monthly pay of privates fixed at \$7; \$1 to be retained till discharged.</p> <p>6. Compensation to engineer officers, for disbursing money, withdrawn.</p> | <p>7. Commissaries not to be separated from the line.</p> <p>8. Provision for bounty land repealed.</p> <p>9. Additional ration for five years' service, allowed to paymaster general and surgeon general.</p> |
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That the act to which this is a supplement shall be, and the same hereby is explained, limited, and modified, as follows:

*First.* Nothing contained\* in said act shall be so construed as to allow any officer additional rations for time past, commonly called back rations.

*Second.* The posts at which chaplains shall be allowed† shall be limited to the number of twenty,‡ and shall be approved by the secretary at war, and shall be confined to places most destitute of instruction.

*Third.* That so much§ of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

*Fourth.* That the number|| of lieutenants authorized by said act to be added and transferred to the ordnance department, shall be limited to twelve.

*Fifth.* That the monthly pay of a private soldier, raised by said act\*\* to eight dollars, shall be limited and fixed at seven†† dollars a month; one dollar thereof shall be retained, as provided‡‡ for in said act.

*Sixth.* That no compensation shall be allowed to officers of the engineer department for disbursement of public money, while superintending public works.

*Seventh.* That the three commissaries of subsistence§§ authorized by said act, shall not be separated from the line of the army.

\* Sec. 15.

† Sec. 18.

‡ Ten additional chaplains, 2 Mar. 1837, ch. 34.

§ Sec. 9.

|| See for temporary increase, 3 Mar. 1847, ch. 61, sec. 16.

\*\* Sec. 16.

†† And \$4 additional, by Aug. 4, 1854, ch. 247, sec. 1.

‡‡ Sec. 16.

§§ Sec. 11.

*Eighth.* That so much \* of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby, repealed.

*Ninth.* That the said act† shall be so construed as to allow the paymaster general and surgeon general of the army, the additional rations therein granted to officers of the line and staff for every five years' service.

[*Approved, July 7, 1838.*]

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RESOLUTION 7.—Approved, July 7, 1838.—Vol. 5, p. 311.

A Resolution for the benefit of the Widows of certain Revolutionary Officers and Men.

[The benefits of the third section of the act of 4th July, 1836, chap. 362, extended to widows whose husbands have died or shall die since the passage of that act.]

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CHAPTER 82.—Approved, March 3, 1839.—Vol. 5, p. 339.

An Act making appropriations for the Civil and Diplomatic Expenses of Government for the year eighteen hundred and thirty-nine.

SEC. 3. That no officer in any branch of the public service, or any other person whose salaries, or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law; nor shall any executive officer, other than the heads of departments, apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.‡

\* Sec. 29.

† Sec. 15.

‡ This proviso destroys all claims of officers for extra compensation, is general in its terms and leaves no discretion to any officer or tribunal to allow extra pay. Collectors have no right to compensation for paying drafts drawn by the Treasury Department. 10 Howard, 109, 141, and see Aug. 23, 1842, ch. 183.

CHAPTER 85.—Approved, March 3, 1839.—Vol. 5, p. 352.

An Act to amend an act entitled "An act regulating the Pay and Emoluments of Brevet Officers," passed April 16th, 1818.

THAT from and after the passing of this act, the act entitled \* "An act regulating the pay and emoluments of brevet officers," approved April sixteenth, eighteen hundred and eighteen, be, and the same shall be, so construed, as to include the case of the adjutant general of the United States.

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CHAPTER 89.—Approved, March 3, 1839.—Vol. 5, p. 355.

An Act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes. †

SEC. 1. President authorized to resist any attempt of Great Britain to enforce her claim to exclusive jurisdiction over the disputed territory. Naval and military forces, and militia, placed at his disposal.

SEC. 2. Militia, when called into the service of the U. States may be compelled to serve not exceeding six months after arrival at the place of rendezvous, in any one year.

SEC. 3. In event of actual invasion, or of imminent danger of invasion, before Congress can be convened, the President authorized to accept the services of not exceeding 50,000 volunteers, in the manner provided by act 23d May, 1836.

SEC. 4. In the event of either of the contingencies provided for in this act, the President authorized to complete the public armed vessels now authorized by law, &c.

SEC. 5. \$10,000,000 appropriated; to provide for which the secretary of the treasury is authorized to borrow money on the credit of the United States, &c. Proviso.

SEC. 6. \$18,000 appropriated for outfit and salary of a special minister to Great Britain. Proviso.

SEC. 7. In the event of either of the contingencies provided for in first and third sections, President authorized to apply \$1,000,000 to repairing or arming fortifications on seaboard and frontier.

SEC. 8. Militia or volunteers whenever called into the service of the United States, shall have the organization of the army, and receive the same pay and allowances.

SEC. 9. This act to continue in force until sixty days after the meeting of first session of the next Congress.

\* Chap. 64.

† Expired by operation of 9th section.

CHAPTER 39.—Approved, June 19, 1840.—Vol. 5, p. 385.

An Act making provision for the Payment of Pensions to the executors or administrators of Deceased Pensioners in certain cases.

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| <p>1. In case of a pensioner leaving children, but no widow.</p> <p>2. In case of a pensioner who is a widow leaving children.</p> | <p>3. In case of any pensioner, whether male or female, leaving children, the amount of pension, &amp;c.</p> |
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SEC. 1. That in case any male pensioner shall die, leaving children, but no widow, the amount of pension due to such pensioner at the time of his death shall be paid to the executor or administrator on the estate of such pensioner, for the sole and exclusive benefit of the children, to be by him distributed among them in equal shares, and the same shall not be considered as a part of the assets of said estate, nor liable to be applied to the payment of the debts of said estate in any case whatever.

SEC. 2. That in case any pensioner who is a widow shall die, leaving children, the amount of pension due at the time of her death shall be paid to the executor or administrator for the benefit of her children, as directed in the foregoing section.

SEC. 3. That in case of the death of any pensioner, whether male or female, leaving children, the amount of pension may be paid to any one or each of them, as they may prefer, without the intervention of an administrator.

CHAPTER 50.—Approved, July 20, 1840.—Vol. 5, p. 397.

An Act to provide for the support of the Military Academy for the year eighteen hundred and forty.

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| <p>2. Commander of cadets to be instructor of infantry tactics, or, &amp;c.—his pay and emoluments, and, &amp;c.</p> | <p>3. Compensation of the assistant professor of ethics.</p> |
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SEC. 2. That the commander of the corps of cadets at the Military Academy, shall be either the instructor of infantry

tactics, of cavalry and artillery tactics, or of practical engineering, and that his pay and emoluments shall in no case be less than the compensation allowed by law to the professor of mathematics; and that the pay and emoluments of the instructors in these branches shall in no case be less than is allowed by law to the assistant professor of mathematics.

SEC. 3. That the assistant professor of ethics shall be allowed the same compensation as is now allowed by law to the other assistant professors in the institution.

[*Approved, July 20, 1840.*]

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CHAPTER 8.—Approved, August 16, 1841.—Vol. 5, p. 440.

An Act to provide for the payment of Navy Pensions.

SEC. 2. That no officer, seaman, or marine, entitled to a pension from the navy pension fund, who receives pay from the public treasury, shall receive more from the said fund than is sufficient to make the whole amount received from both the above named sources equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong as an officer in the services in which he may be engaged, during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in service.

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CHAPTER 24.—Approved, April 14, 1842.—Vol. 5, p. 473.

An Act to provide for the allowance of Invalid Pensions to certain Cherokee warriors, under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty-five.

[Certain Cherokee warriors to be allowed pensions at the same rate as officers and soldiers of the regular army.]



## CHAPTER 183.—Approved, August 23, 1842.—Vol. 5, p. 508.

An Act making appropriations for the support of the Army, and of the Military Academy, for the year one thousand eight hundred and forty-two.

## SEC. 1. [Appropriations.]

SEC. 2. That no officer in any branch of the public service, or\* any other person whose salary, pay, or emoluments, is or are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement† of public money, or for any other service or duty whatsoever, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance or compensation.

## CHAPTER 186.—Approved, August 23, 1842.—Vol. 5, p. 512.

An Act respecting the organization of the Army, and for other purposes.

1. Dragoons reduced. 2d regiment dragoons into riflemen. Artillery and infantry reduced. No enlistments till after reduction, except of non-commissioned officers.

2. Superintendencies of armories at Springfield and Harper's Ferry abolished. Salaries of armorers, inspectors, clerks, &c., paymasters and storekeepers. Bonds of. Storekeepers at arsenals; salaries of; limited to ten.

Others abolished. No extra pay at armories.

3. Commissary general of purchases abolished. Duties of, performed by the quartermaster's department.

4. One inspector general, three paymasters, two surgeons, &c. discharged.

5. One to superintend the manufacture of cannon.

6. Rations to officers by 3 March, 1797, and 16 Mar. 1802, allowed to certain officers only, &c.

SEC. 1. That hereafter, and so soon as the reduction can be effected as herein provided, each company of dragoons shall consist of the commissioned officers as now‡ provided

\* Quære: If this affects extra pay of officers in the army under the 11 Jan. 1812, chap. 14, sec. 20; see, as to clerks, the 26 Aug. 1842, chap. 202, sec. 12.

† Or for performing the duties of another of same department, by the 26 Aug. 1842, chap. 202, sec. 12.

‡ By the 2 Mar. 1833, chap. 76, and see 30 Mar. 1814, chap. 37, sec. 4, which was supplied by the 2 Mar. 1821, chap. 13, which admitted no dragoons in the army; and see the 23 May, 1836, ch. 80, sec. 6, for the 2d regiment of dragoons.

by law, and of four sergeants,\* four corporals, two buglers, one farrier and blacksmith, and fifty† privates; *and‡ the second regiment of dragoons now§ in service shall be converted, after the fourth day of March next, into a regiment of riflemen;* and each company of artillery shall consist of the commissioned officers as now|| provided by law, and of four sergeants, four corporals, two artificers, two musicians, and forty-two privates; and each company of infantry shall consist of the same number of commissioned officers as now¶ provided, and of four sergeants, four corporals, two musicians, and forty-two privates; and that no recruits shall be enlisted for the dragoons, artillery, or infantry, until the numbers in the several companies shall be reduced by the expiration of the term of service, by discharge, or other causes, below the number herein\*\* fixed for the said companies respectively: *Provided*, That nothing in this section shall be construed to prevent the re-enlistment of non-commissioned officers whose terms of service may expire before the army shall be reduced to the number heretofore established.

SEC. 2. That the offices of the superintendents of the armories at Springfield†† and at Harper's Ferry shall be, and the same are hereby abolished, and the duties thereof shall be performed by such officers of the ordnance corps as shall be designated by the President; and that from and after the first day of October next, the master armorers, at the national armories, shall receive, each, twelve hundred dol-

\* One of whom to act as quartermaster-sergeant, 2 Mar. 1833, chap. 76.

† And two teamsters to each company of dragoons, artillery, and mounted riflemen, by the 3 Mar. 1847, chap. 41, sec. 9.

‡ The words in Italics, as to the 2d regiment of dragoons, are repealed by the 4 April, 1844, chap. 11, vol. 5, p. 654.

This regiment was organized by the 2 Mar. 1833, chap. 76, and was directed to be remounted by the 4 April, 1844, chap. 11.

§ Under the 23 May, 1836, chap. 80, sec. 6.

|| By the 3 Mar. 1815, ch. 79, sec. 7, vol. 3, p. 224, and the 2 Mar. 1821, ch. 13.

¶ By the 2 Mar. 1821, chap. 13, sec. 1.

\*\* The companies of the several corps may be increased to seventy-four by the President, for distant posts, by the 17 June, 1850, chap. 20.

†† See 29 April, 1816, vol. 3, p. 323, and 5 July, 1838, chap. 162, sec. 32, as to their wages.

lars, annually, payable quarter yearly; and the inspectors and clerks, each, eight hundred dollars per annum; and the paymasters and military storekeepers, at the armories, and at the arsenals of construction at Pittsburg, Watervliet, and Washington city, \* shall receive, each, twelve hundred and fifty dollars annually, payable in like manner, and the said paymasters and military storekeepers, shall give security for the faithful discharge of their duties, in such sum as the Secretary of War shall prescribe. And the two military storekeepers, authorized by the act† of second of March, one thousand eight hundred and twenty-one, shall receive, each, twelve hundred and fifty dollars per annum. And no military storekeeper, at arsenals, shall, after the first day of October next, receive, as pay, or emoluments, beyond eight hundred dollars per annum, besides quarters actually provided and occupied as such, and the number authorized to be thus employed is hereby limited to ten; and all other offices of military storekeepers are hereby abolished, and discontinued, on and after said first day of October, and the officers hereby dismissed, shall be allowed three months' pay in addition to the pay and emoluments to which they may be entitled on that day. And none of the above-named officers, and no officers at the armories, of any grade whatever, shall hereafter receive emoluments of any kind, or any compensation or commutation beyond their stipulated pay in money, except quarters actually provided for and occupied by such officers.

SEC. 3. That the office of Commissary General‡ of Purchases, sometimes called Commissary of Purchases, shall be, and the same is hereby abolished, and the duties thereof shall hereafter be performed by the officers of the Quartermaster's department, with such of the officers and clerks now attached to the Purchasing department as shall be authorized by the Secretary of War, and under such regu-

\* And Watertown, by the 3 Mar. 1849, chap. 101, sec. 2.

† Chap. 13, sec. 9.

‡ Established by the 2 Mar. 1821, chap. 13, sec. 9.

lations as shall be prescribed by the said Secretary, under the sanction of the President of the United States.

SEC. 4. That, within one month after the passage of this act, *the offices of one inspector general*,\* of three paymasters, two surgeons, and ten assistant surgeons of the army shall be abolished, and that number of paymasters, surgeons and assistant surgeons, shall be discharged by the President, and they shall be allowed three months' pay, in addition to the pay and emoluments to which they may be entitled at the time of their discharge.

SEC. 5. That a competent person may be employed by the Ordnance bureau, under the direction of the Secretary of War, for such time as may be necessary, to superintend the manufacture of iron cannon at the several foundries where such cannon may be made under contracts with the United States, whose pay and emoluments shall not exceed those of a major of ordnance during the time he shall be so employed, to be paid out of the appropriations for armament of fortifications; and for the services rendered in such superintendence since the first day of March, eighteen hundred and forty-one, under the authority of the War Department, the same compensation shall be allowed as herein provided.

SEC. 6. That the rations authorized to be allowed to a brigadier while commander-in-chief, and to each officer while commanding a separate post, by the act† of March third, seventeen hundred and ninety-seven, and to the commanding officers of each separate post, by the act‡ of March sixteen, eighteen hundred and two, shall hereafter be allowed to the following officers and no others;§ to the

\* The two inspectors-general established by the 2 Mar. 1821, chap. 13, vol. 3, p. 615-16, are restored by the 12 Jan. 1846, chap. 3, vol. 6, p. 2.

† The fourth section of which, vol. 1, p. 507-8, is as follows:—

“That to the brigadier, while commander-in-chief, and to each officer while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled;” but that section (4) seems clearly repealed, by the 16 Mar. 1802, chap. 9, sec. 5, and if not, certainly by this section (6).

‡ Chap. 9, sec. 5.

§ And the adjutant and quartermaster-general, by 3 Mar. 1847, ch. 61, sec. 20.

major general commanding the army, and to every officer commanding in chief a separate army, actually in the field; to the generals commanding the eastern and western geographical divisions; to the colonels or other officers commanding military geographical departments; to the commandant of each permanent or fixed post, garrisoned with troops, including the superintendent of the military academy at West Point, who is regarded as the commandant of that post.

[*Approved, August 23, 1842.*]

CHAPTER 191.—Approved, August 23, 1842.—Vol. 5, p. 521.

An Act to amend the acts of July, eighteen hundred and thirty-six, and eighteen hundred and thirty-eight, allowing Pensions to certain Widows.

THAT the marriage\* of the widow, after the death of her husband, for whose services she claims a pension under the act of the seventh July,† eighteen hundred and thirty-eight, shall be no bar to the claim of such widow to the benefit of that act, she being a widow at the time she makes application for a pension.

CHAPTER 202.—Approved, August 26, 1842.—Vol. 5, p. 523.

An Act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the Department and officers of the Government, and for other purposes.

11. Report of clerks and other persons employed, to be made annually to Congress.	other, except newspapers and periodicals.
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23. Surplus for one object may be applied to supply a deficiency for an-	25. Accounts of no commission, except courts martial, &c., to be paid without a special appropriation.
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SEC. 11.‡ That it shall be the duty of the Secretaries of

\* On marriage, pension to cease again, 2 Feb. 1848.

† Chap. 362, vol. 5, p. 187.

‡ This supplies 21 April, 1806, ch. 41, sec. 5, vol. 2, p. 397, and 20 April, 1818, chap. 87, sec. 9.

\* \* \* , War, \* \* \* , to report to Congress, at the beginning of each year, the names of the clerks and other persons that have been employed, respectively, during the preceding year, or any part thereof, in their respective departments and offices, together with the time that each clerk or other person was actually employed, and the sums paid to each; and, also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better despatch of business; and no greater allowance shall be made to any such clerk, or other person, than is, or may be authorized by law, except to watchmen and messengers, for any labor or services required of them beyond the particular duties of their respective stations, rendered at such times as does not interfere with the performance of their regular duties.

SEC. 23.\* That in case the sum appropriated for any object should be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied, under the direction of the head of the proper department, to supply the deficiency of any other item in the same department or office: *Provided*, That the expenditure for newspapers and periodicals shall not exceed the amount specifically appropriated to that object by this act.

SEC. 25. That it shall not, at any time hereafter, be lawful for any accounting or disbursing officer of the Government to allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges: *Provided*, That this shall not extend to the contingent fund connected with the foreign intercourse of the Government placed at the disposal of the President of the United States.

[*Approved, August 26, 1842.*]

\* Re-enacted 24 Dec. 1842, ch. 2, sec. 2, and in subsequent appropriation acts.

RESOLUTION 8.—Approved, Aug. 16, 1842.—Vol. 5, p. 584.

A Resolution declarative of the Pension Act of July seventh, eighteen hundred and thirty-eight.

THAT the benefits of the act\* entitled "An act granting half pay and pensions to certain widows," approved the seventh day of July, eighteen hundred and thirty-eight, shall not be withheld from any widow whose husband died after the passage of the act of the seventh of June, eighteen hundred and thirty-two, and before the act of the seventh July, eighteen hundred and thirty-eight, if otherwise entitled to the same.

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CHAPTER 52.—Approved, March 1, 1843.—Vol. 5, p. 604.

An Act making appropriations for the support of the Army and of the Military Academy, &c. &c., for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-four.

2. Appropriation, &c. for the military academy. Provisoos relative to the appointment of cadets.

SEC. 2. \* \* \* \* *Provided*, That hereafter in all cases of appointments of cadets to the West Point Academy, the individual selected shall be an actual resident of the congressional district of the state or territory, or District of Columbia, from which the appointment purports to be made: *And provided further*, That the number of cadets by appointments hereafter to be made, shall be limited to the number of the representatives and delegates in Congress, and one for the District of Columbia, and that each congressional and territorial district and District of Columbia, shall be entitled to have one cadet at said academy: *Provided*, That nothing in this section shall prevent the appointment of an additional number of cadets not exceeding ten to be appointed at large, without being confined to a selection by congressional districts.

\* Chap. 189.

CHAPTER 102.—Approved, March 3, 1843.—Vol. 5, p. 647.

An Act granting a Pension to certain Revolutionary Soldiers.

[Pensions to widows\* under the acts of 1832, chap. 126; 1838, chap. 189; 1842, chap. 191, and Res. 8, continued for one year.†]

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CHAPTER 103.—Approved, March 3, 1843.—Vol. 5, p. 648.

An Act further to continue in force the act for the Payment of Horses and other property lost in the Military Service of the United States.

THAT the act entitled “An act to provide for the payment of horses and other property lost in the military service of the United States,” approved on the eighteenth day of January, eighteen hundred and thirty-seven, and which has been continued in force until the end of the present session of Congress, be, and the same is hereby, continued in force for two years from and after the end of the present session of Congress: *Provided*, That at the end of the last aforesaid term of two years, all claims intended to be provided for by said act, shall be forever barred and irrecoverable before any tribunal whatever: *Provided further*, That in making proof of the loss of a horse, under the provisions of the aforesaid act, for want of forage, the additional proof of hard service connected therewith, shall not be construed to invalidate the proof of such loss by reason of the failure of the government to furnish forage, the proof of want of forage being satisfactory.

\* Or who has become such; see Res. No. 1, 3 Mar. 1851.

† And four years more, by the 17 June, 1844, chap. 102, vol. 5, p. 680.



CHAPTER 11.—Approved, April 4, 1844.—Vol. 5, p. 654.

An Act to repeal so much of the act approved the twenty-third of August, one thousand eight hundred and forty-two, as requires the second regiment of dragoons to be converted into a regiment of riflemen after the fourth day of March, one thousand eight hundred and forty-three.

2. Regiment to be remounted, and placed on the same footing as 1st regiment.

[SEC. 1. Repeal of so much of the act as requires second regiment of dragoons to be converted into regiment of riflemen.]

SEC. 2. That the present regiment of riflemen, formerly the second regiment of dragoons, shall, as soon as it can be effected after the passage of this act, be remounted, and called the second regiment of dragoons, and shall in all things be governed by the same organization and regulations as are provided by the act raising the first regiment of dragoons, entitled "An act for the more perfect defence of the frontier," approved the second day of March, one thousand eight hundred and thirty-three, and shall, in all respects, be placed upon the same footing as the said first regiment of dragoons.

CHAPTER 13.—Approved, April 12, 1844.—Vol. 5, p. 655.

An Act making appropriations for the support of the Military Academy, for the fiscal year ending on the thirtieth day of June, eighteen hundred and forty-five.

[For commutation of forage for officers' horses. *Provided*, That forage shall be allowed only for horses actually mustered.]

CHAPTER 15.—Approved, April 30, 1844.—Vol. 5, p. 656.

An Act making appropriations for the payment of revolutionary and other Pensioners of the United States, for the fiscal year ending on the thirtieth of June, one thousand eight hundred and forty-five.

THAT no pension shall be hereafter granted to a widow \*

\* Unless her application shall have been filed, &c., 23 Jan. 1845, Res. 1, vol. , p. 796.

for the same time that her husband received one; and that no person in the army, navy or marine corps shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted, be such as to have occasioned his employment in a lower grade, or in some civil branch of the service.

[*Approved, April 30, 1844.*]

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CHAPTER 53.—Approved, June 15, 1844.—Vol. 5, p. 665.

An Act for the relief of the Widows and Orphans of the officers, seamen and marines of the United States schooner *Grampus*, and for other purposes.

SEC. 1. For fixing time of pensions, &c. March 20, 1843, to be considered the day the *Grampus* foundered, and May 1, 1839, as the day on which the *Sea Gull* was lost.

SEC. 2. If there is no widow, but children under sixteen, they are to have the pension. In case of death or marriage of widow, pension to go to children. Proviso: Pension to cease on the death of the children.

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CHAPTER 73.—Approved, June 15, 1844.—Vol. 5, p. 673.

An Act making an appropriation for the Payment of Horses Lost by the Missouri volunteers in the Florida war.

SEC. 1. \$34,500 appropriated. Value of horses and settlement of claims to be made according to act of March 3, 1839. Acts relating to claims for horses, &c., of volunteers in Florida war, revived.

SEC. 2. Act of January 18, 1837, revived for two years. Proviso: not to extend to cases arising in a future war.

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CHAPTER 102.—Approved, June 17, 1844.—Vol. 5, p. 680.

An Act to continue the Pensions of certain Widows.

SEC. 1. Act of March 3, 1843, granting pensions to widows, extended for four years from March 4, 1844.

SEC. 2. Widows entitled to benefit of act of July 7, 1838, to have benefit of this.

356 28TH CON., 1ST & 2D SES., CH. 106, 15, 41 & 47, 1844-'45.

CHAPTER 106.—Approved, June 17, 1844.—Vol. 5, p. 696.

An Act making appropriations for the support of the army for the fiscal year ending on the thirtieth day of June, eighteen hundred and forty-five.

[SEC. 1. For commutation of forage of officers' horses, &c. *Provided*, That forage shall be allowed only for horses actually mustered.]

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CHAPTER 15.—Approved, Feb. 20, 1845.—Vol. 5, p. 724.

An Act restricting the grant of Pensions in certain cases.

THAT from and after the passage of this act a pension shall not be granted to any widow for or during any part or portion of the time her husband may have received one, whose declaration therefor shall not have been made on or before\* the thirtieth day of April, one thousand eight hundred and forty-four, and shall not have been received at the pension office on or before the twenty-third day of January, one thousand eight hundred and forty-five.

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CHAPTER 41.—Approved, March 3, 1845.—Vol. 5, p. 731.

An Act renewing certain Naval Pensions for the term of five years.

[Pensions heretofore granted to widows continued for five years. † *Proviso*: to cease on death or marriage.]

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CHAPTER 47.—Approved, March 3, 1845.—Vol. 5, p. 742.

An Act making appropriations for the support of the Military Academy, for the year ending the thirtieth June, eighteen hundred and forty-six.

[SEC. 2. That from and after the thirtieth June, eighteen hundred and forty-five, the pay of a cadet shall be twenty-four dollars per month, in lieu of the present pay and emoluments. ‡]

\* Unless filed on or before 23 Jan. 1845; see Res. 1, Jan. 23, 1845.

† 30 June, 1834, chap. 134, vol. 4, p. 714.

‡ Increased to \$32 by act 3 Mar. 1857, vol. 11, p. 252.

CHAPTER 65.—Approved, March 3, 1845.—Vol. 5, p. 745.

An Act making appropriations for the support of the Army, for the year ending on the thirtieth of June, eighteen hundred and forty-six.

[SEC. 1. For commutation of forage for officers' horses. *Provided,\** That general and field officers shall not be entitled, in time of peace, to draw forage; or money in lieu thereof, for more than three horses each, to be owned and actually kept in service; officers of the regiments of dragoons below the rank of field officers, for two horses each;† and all other officers now entitled to forage, for one horse each, to be owned and actually kept in service.]

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CHAPTER 3.—Approved, January 12, 1846.—Vol. 9, p. 2.

An Act to repeal the act which abolished the office of one of the Inspectors-General of the Army, and to revive and establish said office.

[Repeal of act of 1842, chap. 186, sec. 4, abolishing the office of one of the inspectors-general.]

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CHAPTER 13.—Approved, May 7, 1846.—Vol. 9, p. 5.

An Act making appropriations for the Payment of Revolutionary and other Pensions of the United States, for the year ending the thirtieth June, one thousand eight hundred and forty-seven, and for other purposes.

2. Evidence necessary to entitle a widow to a pension. Proviso: that the commissioner is satisfied.

SEC. 2. That no widow entitled to a pension under existing laws, and claiming a pension, whose husband was drawing a pension at the time of his decease, shall be required, in any such case, to furnish any further evidence that said husband was entitled to a pension; nor shall any evidence,

\* This modifies 5 July, 1838, vol. 5, p. 259.

† And see (for its injurious operation on assistant surgeons) Surgeon-General's Report—Sen. doc., p. 146, 1853.

in any case, be required to entitle the widow to a pension, when the evidence is in the archives of the government, other than such proof as would be sufficient to establish the marriage between the applicant and the deceased pensioner in civil personal actions in a court of justice: *Provided,\* That, upon a revision of the testimony in the case of the deceased husband, the commissioner be satisfied that the pension was properly granted.*

[SEC. 3.† Act of 1845, chap. 71, sec. 4, respecting the reopening of settled accounts, and the limitation of claims on the United States, not to apply to pensions.]

[*Approved, May 7, 1846.*]

# CHAPTER 16.—Approved, May 13, 1846.—Vol. 9, p. 9.

An Act providing for the Prosecution of the existing War between the United States and the Republic of Mexico.

Whereas, by the act of the republic of Mexico, a state of war exists between that government and the United States :

SEC. 1. President authorized to employ militia, naval and military forces of the United States, and to call for and accept volunteers, not exceeding 50,000. Time volunteers are to serve. Ten millions of dollars appropriated.

SEC. 2. Militia to serve for six months.

SEC. 3. Volunteers to furnish clothes, horses, and equipments ; to be armed by the United States.

SEC. 4. Volunteers to be subject to the rules and articles of war. Commutation for clothing.

SEC. 5. Volunteers, how to be accepted. Their officers, how appointed.

SEC. 6. Organization into regiments, &c. Apportionment of field, staff, and general officers.

SEC. 7. Provision for volunteers wounded in service.

SEC. 8. President authorized to complete all public armed vessels now authorized by law, and to purchase, &c., merchant vessels and steamboats.

SEC. 9. Organization, pay, and emoluments. Allowance to mounted men for use and risk of their horses.

\* Proviso repealed 26 June, 1848, chap. 71, vol. 9, p. 339.

† This section of the act of 1845 repealed 10 Aug. 1846, ch. 175, vol. 9, p. 97.

CHAPTER 17.—Approved, May 13, 1846.—Vol. 9, p. 11.

An Act to authorize an Increase of the rank and file of the Army of the United States.

THAT the President of the United States be, and is hereby authorized, by voluntary enlistment, to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry, to any number not exceeding one hundred, whenever, in his opinion, the exigencies of the public service may require the same, and to reduce the same to sixty-four, when the exigencies requiring the present increase shall cease: *Provided*, That said enlistments shall be for the term of five years, and no longer, unless sooner disbanded by the President.

CHAPTER 21.—Approved, May 15, 1846.—Vol. 9, p. 12.

An Act for the organization of a company of Sappers, Miners and Pontoniers.

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| 1. A company of sappers, miners, and pontoniers to be raised.       | gineers, and to be officered by officers of that corps, &c. Liable to serve by detachments in working on fortifications. |
| 2. Pay and rations. Clothing, and other allowances.                 |  |
| 3. Placed on the same footing as other troops of the United States. | 5. The chief engineer to regulate and determine the number, quality, &c., of the necessary vehicles, pontons, &c.        |
| 4. To be attached to the corps of en-                               |  |

SEC. 1. That there be added to the corps of engineers one company of sappers, miners, and pontoniers, to be called engineer soldiers; which company shall be composed of ten sergeants, or master workmen, ten corporals, or overseers, two musicians, thirty-nine privates of the first class, or artificers, and thirty-nine privates of the second class, or laborers; in all, one hundred men.

SEC. 2. That the pay and rations of the sergeants, or master workmen, of said company, shall be the same as those now allowed by law to the master workmen employed by the ordnance department, excepting that the engineer

sergeants shall receive one ration only per day, instead of one ration and a half; of the corporals, or overseers, the same as those now allowed by law to the armorers, carriage-makers, and blacksmiths employed by the ordnance department, excepting that the engineer corporals shall receive one ration only per day, instead of one ration and a half; of the privates of the first class, or artificers, the same as those now allowed by law to the artificers employed by the ordnance department; of the privates of the second class, or laborers, the same as those now allowed by law to the laborers employed by the ordnance department; and of the musicians, the same as those allowed by law to the musicians of the line of the army; the said non-commissioned officers, privates, and musicians being respectively entitled to the same clothing and other allowances as are granted by law to non-commissioned officers, privates and musicians of the artillery in the army of the United States.

SEC. 3. That the said engineer company shall be subject to the rules and articles of war, shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to the other troops constituting the present military peace establishment.

SEC. 4. That the said engineer company shall be attached to and compose a part of the corps of engineers, and be officered by officers of that corps, as at present organized; they shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall aid in giving practical instructions in these branches at the Military Academy; they shall, moreover, under the orders of the chief engineer, be liable to serve by detachments, in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications as fort-keepers, preventing injury and applying repairs.

SEC. 5. That the chief engineer, with the approbation of the secretary of war, be authorized to regulate and determine the number, quality, form, dimensions, &c., of the

necessary vehicles, pontons, tools, implements, arms, and other supplies, for the use and service of said company as a body of sappers, miners, and pontoniers.

[*Approved, May 15, 1846.*]

CHAPTER 22.—Approved, May 19, 1846.—Vol. 9, p. 13.

An Act to provide for raising a Regiment of mounted Riflemen, and for establishing Military Stations on the route to Oregon.

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| <p>1. Regiment of mounted riflemen raised. Organization.</p> <p>2. Pay and emoluments.</p> <p>3. To be subject to the rules and articles of war, and recruited in the same manner as other troops of the</p> | <p>United States. Provisions for wounds and disabilities, and for widows and children, &amp;c.</p> <p>4. Extra compensation when on fatigue duty. Chap. 45.</p> |
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SEC. 1. That there shall be raised one regiment of mounted riflemen, to be composed and organized as follows, to wit: One colonel, one lieutenant-colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant-major, one chief musician, and ten companies; each company shall consist of one captain, one first lieutenant, one second lieutenant, (exclusive of the adjutant lieutenant,) four sergeants, four corporals, two buglers, one farrier, one blacksmith, and sixty-four privates.

SEC. 2. That the officers, non-commissioned officers, musicians, and privates, shall be entitled to the same pay and emoluments as are allowed to dragoons, and that the farrier and blacksmith shall receive the same pay and allowances as are allowed to an artificer of artillery.

SEC. 3. That the said regiment of riflemen shall be subject to the rules and articles of war, and shall be recruited in the same manner as other troops in the service of the United States, and with the same conditions and limitations; and the officers, non-commissioned officers, musicians, privates, blacksmiths, and farriers, shall be entitled to the same provisions for wounds and disabilities, and the same



provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the army of the United States.

SEC. 4. That the non-commissioned officers, musicians, and privates of said regiment, when employed in constructing fortifications, making surveys, cutting roads, or performing other labor, shall be allowed fifteen cents per day each, with a commutation in money for the extra spirit ration, as provided by the act of the second of March, one thousand eight hundred and nineteen, entitled "An act to regulate the pay of the army when on fatigue duty."

[*Approved, May 19, 1846.*] ·

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CHAPTER 28.—Approved, June 17, 1846.—Vol. 9, p. 17.

An Act making alterations in the Pay Department of the Army.

1. Three additional paymasters to be appointed.		2. Duties, compensation, &c. Bonds of.
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SEC. 1. That the President of the United States be, and he is hereby authorized, by and with the advice and consent of the senate, to appoint three additional paymasters,\* to be attached to the pay department of the army.

SEC. 2. That the officers appointed in virtue of this act shall perform the same duties,† receive the same pay and allowances‡ as the present paymasters of the army, and shall, in like manner, be subject to the rules and articles of war; and previous to entering upon the duties of their office, shall give such bonds to the United States as the secretary of war may direct, for the faithful performance of their duties.

\* Continued in new organization, 2 Mar. 1849; two more appointed, 3 Mar. 1847.

† See act 24 April, 1816, chap. 69, sections 3 and 4.

‡ See 4th section of 24 April, 1816, chap. 69.

CHAPTER 29.—Approved, June 18, 1846.—Vol. 9, p. 17.

An Act supplemental to an act entitled "An act providing for the Prosecution of the existing War between the United States and the Republic of Mexico," and for other purposes.

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| <p>5. Additional officers of the quartermaster, commissary, and medical departments may be appointed. Pay, &amp;c. Time of service.</p> <p>6. Assistant adjutant-generals may be appointed. Time of service.</p> <p>7. Promotions and appointments.</p> | <p>8. Aids-de-camp, whence to be taken. Military secretary.</p> <p>9. Allowance for clothing.</p> <p>10. Subsistence and forage of volunteers and militia.</p> <p>11. Enlistments for ordnance department authorized.</p> |
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[SEC. 1. One major-general and two brigadier-generals to be appointed. Reduction on conclusion of peace.\* How to be made.

SEC. 2. President authorized to call into service general officers of the militia,† under 13 May, 1846.

SEC. 3. Field and staff of separate battalion of volunteers established. See act May 13, 1846.

SEC. 4. Number of privates in a company. An additional second lieutenant allowed.]

SEC. 5. ‡ That when volunteers or militia are called into the service of the United States in such numbers that the officers of the quartermaster, commissary, and medical departments, authorized by law, be not sufficient to provide for supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the senate, as many additional officers of said departments as the service may require, not exceeding one quartermaster and one commissary for each brigade, with the rank of major, and one assistant quartermaster, with the rank of captain, one assistant commissary, with the rank of captain, one surgeon, and one assistant surgeon, for each regiment; the said quartermasters and commissaries, assistant quartermasters and assistant commissaries, to give bonds, with good and sufficient sureties, for the faithful performance of

\* See 19 July, 1848, chap. 104, sec. 1, repealing.

† To carry on and conclude the Mexican War.

‡ This is very like a general enactment.

their duties; and they and the said surgeons and assistant surgeons to perform such duties as the President shall direct: *Provided*, That the said officers shall be allowed the same pay and emoluments as are now allowed to officers of the same descriptions and grades in those departments, respectively; that they be subject to the rules and articles of war, and continue in service only so long as their services shall be required, in connection with the militia and volunteers.

SEC. 6. That the President of the United States be, and he hereby is, authorized to appoint as many additional assistant adjutant-generals, not exceeding four,\* as the service may require; who shall be appointed, by and with the advice and consent of the senate, in the same manner, have the same brevet rank, pay, and emoluments,† and be charged with the same duties,‡ as those now authorized by law: *Provided*, That these additional appointments shall continue only so long as the exigencies of the service may render necessary.

SEC. 7. That promotion, in the quartermaster's department, to the rank of major, shall hereafter be made from the captains of the army; and that appointments in the line, and in the general staff, which confer equal rank in the army, shall not be held by the same officer at the same time; and when any officer of the staff who may have been taken from the line shall, in virtue of seniority, have obtained or be entitled to promotion to a grade in his regiment equal to the commission he may hold in the staff, the said officer shall vacate such staff commission, or he may, at his option, vacate his commission in the line.

SEC. 8. That the aids-de-camp of the major-general commanding the army in time of war may be taken from the line, without regard to rank; and the aids-de-camp allowed to other major-generals and brigadier-generals may be taken from the grade of captain or subaltern; and that the com-

\* Three more, by 3 Mar. 1847. By act of 5 July, 1838, there were six.

† Of captains of cavalry, 5 July, 1838, chap. 162, sec. 7.

‡ Inspectors-general when required, 5 July, 1838.

manding or highest general in rank may, while in the field, appoint a military secretary from the subalterns of the army, who shall have the pay and emoluments of a major of cavalry for the time being.

SEC. 9. That the allowance for clothing to each non-commissioned officer, musician, and private, of volunteers, shall be three dollars and fifty cents per month, during the time he shall be in the service of the United States.

SEC. 10. That the non-commissioned officers, musicians, and privates, of volunteers and militia, when called into the service of the United States, shall be entitled to receive fifty cents, in lieu of subsistence, and twenty-five cents in lieu of forage for such as are mounted, for every twenty miles, by the most direct route, from the period of leaving their homes to the place of general rendezvous, and from the place of discharge back to their homes.

SEC. 11. That the colonel or senior officer of the ordnance department is authorized to enlist, for the service of that department, as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the secretary for the department of war, may require.

[*Approved, June 18, 1846.*]

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## CHAPTER 33.—Approved, June 26, 1846.—Vol. 9, p. 20.

An Act to provide for the organization of the Volunteer Forces, brought into the service of the United States, into Brigades and Divisions, and for the appointment of the necessary number of general officers to command the same.

[The President to organize them into brigades and divisions. 1846, chap. 16. Appointment of major and brigadier generals, as may be necessary. Discharge on conclusion of peace, or reduction of volunteers. Strength of each brigade and division.]

## CHAPTER 96.—Approved, August 8, 1846.—Vol. 9, p. 70.

An Act making appropriations for the support of the Military Academy, for the year ending on the thirtieth June, eighteen hundred and forty-seven.

2. Board of visitors to be appointed. How selected. Compensation.	3. Certain teachers to be professors.
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SEC. 2. That the President be authorized to appoint a board of visitors, to attend the annual examination of the Military Academy, whose duty it shall be to report to the secretary of war, for the information of Congress, at the commencement of the next succeeding session, the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns, of the institution: *Provided*, That the whole number of visitors each year shall not exceed the half of the number of states in the Union; and that they shall be selected, alternately, from every second state, each member being a *bona fide* resident citizen of the state from which he shall be appointed; that not less than six members shall be taken from among officers actually serving in the militia; and that a second member shall not be taken from any congressional district, until every other district in the state shall have supplied a member: *Provided, further*, That no compensation shall be made to said members beyond the payment of their expenses for board and lodging while at the Military Academy, and an allowance not to exceed eight cents per mile, for traveling by the shortest mail route from their respective homes to the academy, and back to their homes.

SEC. 3. That the teacher of drawing, and the first teacher of French, at the Military Academy, shall hereafter\* be, respectively, professor of drawing, and professor of the French language.

\* Office created 28 Feb. 1803, chap. 18, sec. 2. See 3 March, 1851.

RESOLUTION 11.—Approved, July 16, 1846.—Vol. 9, p. 111.

A joint Resolution presenting the Thanks of Congress to Major-General Taylor,  
his Officers and Men.

[Thanks of Congress presented to Major-General Taylor, his officers and men. Sympathy of Congress with the relatives and friends of those who fell in battle. .

The foregoing resolutions to be communicated to Gen. Taylor, and through him to the army.

President authorized to cause a gold medal to be presented to Gen. Taylor, in the name of the Republic.]

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RESOLUTION 12.—Approved, July 16, 1846.—Vol. 9, p. 111.

A joint Resolution to refund to States and Individuals, Expenses incurred by them under calls for militia and volunteers made by generals Gaines and Taylor.

THAT the secretary of war be, and he is hereby, authorized and required to refund, out of the appropriation made by the "Act providing for the prosecution of the existing war between the United States and the republic of Mexico," approved the thirteenth of May, one thousand eight hundred and forty-six, to the governors of the several states called upon by General Taylor and General Gaines for volunteers and militia, and also to individuals, the amount of the expenses incurred by said states and individuals, in fitting out and preparing said volunteers or militia to join the army under the command of General Taylor, to be settled upon just and equitable principles.

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RESOLUTION 20.—Approved, Aug. 8, 1846.—Vol. 9, p. 115.

Joint Resolution directing the Payment of certain Volunteers and Militia,  
under the limitations therein prescribed.

[Certain volunteers called out and received into service under orders of Gen. Gaines, to be paid out of the appropriation in act of May 13, 1846. Where individuals or states have paid expenses or provided transportation, &c., how to be refunded. Compensation of surgeons and assistant surgeons, and of assistant quartermasters and commissaries.]

CHAPTER 2.—Approved, January 12, 1847.—Vol. 9, p. 117.

An Act to encourage Enlistments in the regular Army.

SEC. 1. Enlistments to be for the war with Mexico or for five years.

SEC. 2. \$12 bounty to recruits.

CHAPTER 8.—Approved, February 11, 1847.—Vol. 9, p. 123.

An Act to raise for a limited time an additional Military Force, and for other purposes.

3. Additional major to each regiment authorized; whence taken.

4. Additional quartermasters authorized.

5. Discharge on termination of war.

6. Additional surgeons and assistant surgeons.

8. Two additional surgeons, and 12 assistant surgeons, to be appointed in the regular army. 1834, chap. 133.

9. Non-commissioned officers, musicians, and privates, under certain cir-

cumstances, to receive a warrant for 160 acres of land. Mode of proceeding in case of death of soldier. Proviso. Proviso: that every person entitled to receive a land warrant may receive scrip for \$100, bearing six per cent. interest. Non-commissioned officers, &c., under certain circumstances, to receive a warrant for 40 acres of land, or \$25 in scrip.

10. President to appoint four quartermasters.

[SEC. 1. Ten additional regiments to be raised. Appointment of officers. Voltigeurs and foot-riflemen.

SEC. 2. Term of enlistment.]

SEC. 3. That the President of the United States be, and he is hereby authorized, by and with the advice and consent of the senate, to appoint one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen in the army of the United States, who shall be taken from the captains of the army.

SEC. 4. That to each of the regiments of dragoons, artillery, infantry, and riflemen, there shall be allowed a regimental quartermaster, to be taken from the subalterns of the line, who shall be allowed ten dollars additional pay per month, and forage for two horses.

Sec. 5. That the said officers, musicians, and privates,

authorized by this act, shall immediately be discharged from the service of the United States at the close of the war with Mexico.\*

SEC. 6. That it shall and may be lawful for the President of the United States, by and with the advice and consent of the senate, to appoint one surgeon and two assistant surgeons to each regiment raised under this act.

[SEC. 7. Chaplains. Pay. At posts may be ordered to join army. Penalty for refusing to go.]

SEC. 8. That the President be, and he is hereby authorized, by and with the advice and consent of the senate, to appoint two additional surgeons and twelve additional assistant surgeons in the regular army of the United States, subject to the provisions of an act entitled "An act † to increase and regulate the pay of the surgeons and assistant surgeons of the army," approved June thirtieth, eighteen hundred and thirty-four; and that the officers whose appointment is authorized by this section, shall receive the pay and allowances of officers of the same grades respectively; and that the rank of the officers of the medical department of the army shall be arranged upon the same basis which at present determines the amount of their pay and emoluments: *Provided*, That the medical officers shall not in virtue of such rank be entitled to command in the line or other staff departments of the army.

SEC. 9. That each non-commissioned officer, musician, or private, enlisted ‡ or to be enlisted in the regular army, or § regularly mustered in any volunteer company for a period of not less than twelve months, who has served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have been killed, or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged || before the expiration of his term of service in

\* See 19 July, 1848, chap. 104.

† Chap. 133.

‡ Not to lose theirs by being promoted, 27 May, 1848, chap. 49.

§ Marine corps, &c. included by Res. 10 Aug. 1848, No. 24.

|| Surgeon's certificate of discharge to be evidence that the disability was incurred in the service—Resolution 24 May, 1848, No. 4.



consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive\* a certificate or warrant from the war department for the quantity of one hundred and sixty acres, and which may be located by the warrantee, or his heirs at law at any land office of the United States, in one body, and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. That in the event of the death of any such non-commissioned officer, musician, or private, during service, or after his discharge, and before the issuing of a certificate or warrant as aforesaid, the said certificate or warrant shall be issued in favor, and inure to the benefit, of his family or relatives, according to the following rules: first, to the widow and to his children; second, his father; third, his mother.† And in the event of his children being minors, then the legally-constituted guardian of such minor children shall, in conjunction with such of the children, if any, as may be of full age, upon being duly authorized by the orphans' or other court having probate jurisdiction, have power to sell and dispose of such certificate or warrant for the benefit of those interested. And all sales, mortgages, powers, or other instruments of writing, going to affect the title or claim to any such bounty right, made or executed prior to the issue of such warrant or certificate, shall be null and void to all intents and purposes whatsoever, nor shall such claim to bounty right be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by the soldier prior to the issuing of such certificate or warrant: *Provided*, That no land warrant issued under the provisions of this act shall be laid upon any lands

\* Holders (not soldiers or volunteers) to pay the register and receiver's fees; see 17 May, 1848, chap. 44.

† And to brothers and sisters, by 27 May, 1848, chap. 49.

of the United States to which there shall be a preëmption right, or upon which there shall be an actual settlement and cultivation: *Provided, further*, That every such non-commissioned officer, musician, and private, who may be entitled, under the provisions of this act, to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to receive such certificate or warrant, or a treasury scrip \* for one hundred dollars; and such scrip, whenever it is preferred, shall be issued by the secretary of the treasury to such person or persons as would be authorized to receive such certificates or warrants for lands; said scrip to bear an interest of six per cent. per annum, payable semi-annually, redeemable at the pleasure of the government. And that each private, non-commissioned officer, and musician, who shall have been received into the service of the United States, since the commencement of the war with Mexico, for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or twenty-five dollars in scrip, if preferred; and in the event of the death of such volunteer during his term of service, or after an honorable discharge, but before the passage of this act, then the warrant for such land or scrip, shall issue to the wife, child, or children, if there be any, and, if none, then to the father, and, if there be no father, then to the mother of such deceased volunteer: *Provided,† That nothing contained in this section shall be construed to give bounty land to such volunteers as were accepted into service, and discharged without being marched to the seat of war.*

SEC. 10. That‡ it shall and may be lawful for the President, by and with the advice and consent of the senate, to appoint, from the officers of the army, four quartermasters of the rank of major, and ten assistant quartermasters with the rank of captain.

[*Approved, February 11, 1847.*]

\* See 3 Mar. 1849, chap. 100, sec. 1, and 3 Mar. 1847, chap. 59.

† Repealed 22 Mar. 1853, ch. 19, sec. 4.

‡ See 2 Mar. 1821, ch. 13, sec. 7.

CHAPTER 39.—Approved, March 2, 1847.—Vol. 9, p. 154.

An Act to amend an act entitled "An act to provide for the Payment of Horses or other property lost and destroyed in the Military Service of the United States," approved the eighteenth day of January, eighteen hundred and thirty-seven.

SEC. 1. The claims of owners of wagons and teams who have lost horses, &c., provided for.

SEC. 2. Deductions in auditing and settling accounts.

SEC. 3. Act of 18th Jan., 1837, chap. 5, and all other acts relating to same subject, continued for two years from 3d March, 1847, &c.

CHAPTER 40.—Approved, March 2, 1847.—Vol. 9, p. 154.

An Act for the Increase of the Marine Corps of the United States.

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| <p>1. Additional officers, non-commissioned officers, musicians and privates authorized.</p> <p>2. Officers, how to be appointed.</p> <p>3. Provisions of act of June 30, 1834,</p> | <p>chap. 132, made applicable to the provisions of this act. 1834, chap. 132. Proviso as to staff.</p> <p>4. When the said corps shall be reduced.</p> |
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SEC. 1. That from and after the passage of this act, the United States marine corps as now organized\* shall consist of four additional captains, four first lieutenants, four second lieutenants, twenty-five sergeants, twenty-five corporals, twenty-five drummers, twenty-five fifers, and one thousand additional privates.

SEC. 2. That the officers thus provided for shall be appointed first by promotion according to rank in the marine corps, and then by selection; and that their nominations shall be submitted to the senate for their advice and consent.

SEC. 3. That the provisions of an act passed the thirtieth of June, eighteen hundred and thirty-four, entitled "An act for the better organization of the United States marine corps," be, and the same are hereby, made applicable in all respects to the provisions of this act: *Provided, however,* That, notwithstanding any thing in said act to the contrary,

\* By 30th June, 1834, chap. 132.

the staff of the marine corps be, and the same is hereby, separated from the line of said corps; the officers of the former to receive the same pay and emoluments they now receive by law, and to hold the same assimilated rank, to wit: quartermasters, paymasters, and adjutants and inspectors, the rank of major, and assistant quartermasters the rank of captain.

SEC. 4. That the President, at the termination of the Mexican war, shall reduce the marine corps to a number, both in men and officers, not exceeding the number now\* in service.

[*Approved, March 2, 1847.*]

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CHAPTER 49.—Approved, March 3, 1847.—Vol. 9, p. 174.

An Act making appropriations for the Payment of Navy Pensions for the year ending thirtieth June, eighteen hundred and forty-eight.

[SEC. 2. Act of 1845, chap. 41, renewing certain naval pensions for five years continued.]

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CHAPTER 61.—Approved, March 3, 1847.—Vol. 9, p. 184.

An Act making provision for an additional number of General Officers, and for other purposes.

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| <p>1. The ten regiments authorized by the act of 11th February, 1847, chap. 8, to be organized. Major-generals and brigadier-generals to be appointed. Proviso.</p> <p>2. Three assistant adjutant-generals to be appointed.</p> <p>6. 1847, chap. 8. How officers shall take rank.</p> <p>9. Teamsters for the regiments of dragoons, artillery and mounted riflemen.</p> <p>10. Lieutenants holding the appointments of adjutant and regimental quartermaster. 1827, chap. 42.</p> | <p>11. Sutlers to have no liens on pay of soldiers, &amp;c.</p> <p>12. Two deputy paymaster-generals and ten paymasters to be appointed. Proviso.</p> <p>13. Rank of officers of pay department. Proviso.</p> <p>14. Paymasters of volunteers to be nominated to the senate.</p> <p>15. Bounty to the regiment of dragoons. 1847, chap. 8.</p> <p>16. Increase of ordnance department.</p> <p>17. Brevets to non-commissioned officers. Proviso.</p> |
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\* By 30th June, 1834, chap. 132.

18. Two companies to be added to each of the regiments of artillery. Additional companies of light artillery.

19. Pay of light artillery.

20. Allowance of additional rations for the adjutant-general and the quartermaster-general.

21. Deficient regiments to be consolidated, and supernumerary officers discharged. Proviso.

22. When the officers and forces authorized by this act shall be discharged.

SEC. 1. That the President of the United States be, and he is hereby, authorized to organize the ten regiments to be raised by virtue of the act of the eleventh of February, eighteen hundred and forty-seven, into brigades and divisions, either by allotting portions of the same to the brigades and divisions of the regular army or volunteer forces in the service of the United States, and, if the efficiency of the service shall require it, to appoint, by and with the advice and consent of the senate, such number of additional brigadier-generals, not exceeding three, and major-generals, not exceeding two, as the organization of the said forces may require: *Provided*, That each brigade shall consist of not less than three regiments, and each division of not less than two brigades: *And provided, further, That the said general officers shall be immediately discharged from the service of the United States at the close of the war with Mexico.\**

SEC. 2.† That there shall be added to the adjutant-general's department one assistant adjutant-general, with the rank, pay, and emoluments of a lieutenant-colonel of cavalry, and two assistant adjutants-general, with the brevet rank, pay, and emoluments of a captain of cavalry, to be appointed by the President, by and with the advice and consent of the senate, in the same manner, and be charged with the same duties, as those authorized by existing laws.

[SEC. 3. President authorized to accept the services of volunteers now in Mexico, and to organize the same.

SEC. 4. Additional pay and allowances to volunteers who shall reënter the service.

SEC. 5. Individual volunteers may be accepted to fill vacancies, &c.]

SEC. 6. That all the officers to be appointed in the ten

\* See 19 July, 1848, chap. 104, sec. 1, which repeals.

† The staff in this section is within the 22d section.

regiments to be raised and organized under the "Act\* to raise for a limited time an additional military force, and for other purposes," shall take rank, in case of equal grade, in such manner as the President of the United States may direct, without regard to priority of appointment.

[SEC. 7. Number of subalterns to a company.

SEC. 8. Applicable to mounted riflemen. 1846, chap. 17.†]

SEC. 9. That to each regiment of dragoons, artillery, and mounted riflemen, in the regular army, there shall be added one principal teamster, with the rank and compensation of quartermaster-sergeant, and to each company of the same two teamsters, with the compensation of artificers.

SEC. 10. That the proviso to the second section of the act approved March second, eighteen hundred and twenty-seven, entitled "An act‡ giving further compensation to the captains and subalterns of the army of the United States in certain cases," shall be so interpreted as not to include lieutenants who hold the appointments of adjutant and regimental quartermaster.

SEC. 11. That so much of any army regulation as gives to any sutler a lien upon any part of the pay of the soldiers, or a right to appear at the pay table to receive the soldier's pay from the paymaster, shall be, and the same is hereby, abrogated; and all regulations extending the rights and privileges of sutlers beyond the rules and articles of war shall be, and hereby are, abrogated.

SEC. 12. § That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the senate, to add to the pay department of the army two deputy paymaster-generals, with the pay, and allowances, each of a deputy || quartermaster-general, and ten paymasters, with the pay and allowances each of a paymaster \*\* of the army; and the officers so appointed shall

\* 11 Feb. 1817, chap. 8.

† 3 May, 1846, repealed by 14 August, 1848, chap. 173.

‡ Chap. 42, March 2, 1847.

§ See 2 March, 1849, chap. 80.

|| Which is that of a major of cavalry, by 2 Mar. 1821, chap. 13, sec. 1.

\*\* Of a major of infantry, 24 April, 1816, chap. 69, sec. 3.

give such bonds\* as the President shall, from time to time, direct: *Provided*, That the deputy paymaster-generals shall, in addition to paying troops, superintend the payment of armies in the field.

SEC. 13. That the officers of the pay department shall have rank corresponding with the rank to which their pay and allowances are assimilated: *Provided*, That paymasters shall not in virtue of such rank, be entitled to command in the line, or other staff departments of the army: *Provided, also*, That the right to command in the pay department, between officers having the same rank, shall be in favor of the oldest in service in the department, without regard to the date of commission under which they may be acting at the time.

SEC. 14. That all paymasters hereafter to be appointed by the President for the volunteer service of the United States shall be nominated to the senate for confirmation to such office.

SEC. 15. That the non-commissioned officers, musicians, and privates of the regiment of dragoons authorized to be raised by an act entitled "An act to raise for a limited time an additional military force and for other purposes," shall receive the same bounty as is allowed to the non-commissioned officers, musicians, and privates of the other regiments authorized to be raised by said act.

SEC. 16. That the President of the United States be, and is hereby, authorized to add† to the ordnance department, whenever he shall deem it expedient to increase the same, two captains and six first lieutenants, who shall be entitled to receive the same pay and allowances as officers of those grades, respectively, now belonging to that department, to be disbanded‡ at the close of the war.

SEC. 17. § That when any non-commissioned officer shall

\* To be renewed every four years, by 2 Mar. 1849, chap. 80.

† See 2 Mar. 1821, chap. 13, sec. 4, and 5 April, 1832, chap. 67, and 5 July, 1838, chap. 162, and 19 July, 1848, chap. 104.

‡ See 22d section of this act.

§ See 4 August, 1854, chap. 247.

distinguish himself, or may have distinguished himself, in the service, the President of the United States shall be, and is hereby, authorized, on the recommendation of the commanding officer of the regiment to which such non-commissioned officer belongs, to attach him by brevet of the lowest grade of rank, with the usual pay and emoluments of such grade, to any corps of the army: *Provided*, That there shall not be more than one so attached to any one company at the same time; and when any private soldier shall so distinguish himself, the President may in like manner grant him a certificate of merit, which shall entitle him to additional pay at the rate of two dollars per month.

SEC. 18. That there shall be added \* to each of the regiments of artillery two companies, to be organized in the same manner, and who shall receive the like pay and allowances in every respect as authorized by existing laws; and in addition to the four companies authorized by the act † of March second, one thousand eight hundred and twenty-one, to be equipped as light artillery, the President is hereby empowered, when he shall deem it necessary, to designate four other companies, one in each regiment, to be organized and equipped as light artillery; and each regiment of artillery shall be allowed two principal musicians with the rates of pay provided by law for the principal musicians in the regiments of infantry.

SEC. 19. That the officers and men of the light artillery, when serving as such and mounted, shall receive the same pay and allowances as provided by law for the dragoons.

SEC. 20. That the provisions of the sixth section of the act entitled "An act respecting the organization of the army," &c., approved August twenty-third, one thousand eight hundred and forty-two, which allow additional rations to certain officers of the army, be, and the same are hereby, so extended as to embrace the quartermaster-general and adjutant-general of the army from the date of the act.

\* See 2 Mar. 1821, chap. 13, sec. 2, and June, 1850, chap. 20.

† Chapter 13.



SEC. 21. That, for the purpose of avoiding unnecessary expenses in the military establishment including volunteers, the President of the United States be, and he is hereby, authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments, and discharge all supernumerary officers: *Provided*, That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

SEC. 22. That all \* the officers appointed, and the additional force authorized to be raised under this act, shall be discharged at the close of the war with Mexico, except the officers of the ordnance authorized by the sixteenth section, and the two companies to each regiment of artillery authorized by the eighteenth section of this act.

[*Approved, March 3, 1847.*]

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## CHAPTER 66.—Approved, March 3, 1847.—Vol. 9, p. 203.

An Act to amend an act entitled "An act to provide for the better organization of the Department of Indian Affairs," and an act entitled "An act to regulate Trade and Intercourse with the Indian Tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, and for other purposes.

<p>2. Penalty for introducing into the Indian country and selling spirituous liquors. Indians made competent witnesses.</p>	<p>3. No annuities, moneys, or goods to be distributed to Indians while in a state of intoxication.</p>
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SEC. 2. That the twentieth section of the "Act † to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby so amended, that, in addition to the fines thereby imposed, any person who shall sell, exchange or barter, give, or dis-

\* The discharge as to officers named in the 2d section was repealed 19 July, 1848, chap. 104, sec. 3, and the proviso of the 3d section of the act of 1848 was repealed 2 March, 1849, ch. 83, sec. 4, as to the adjutant-general's department.

† Chapter 161.

pose of, any *sirituous* liquor or wine to an Indian, in the Indian country, or who shall introduce, or attempt to introduce, any *sirituous* liquor or wine into the Indian country, except such supplies as may be necessary for the officers of the United States and the troops of the service, under the direction of the war department, such person, on conviction thereof before the proper district court of the United States, shall in the former case be subject to imprisonment for a period not exceeding two years, and in the latter case not exceeding one year, as shall be prescribed by the court, according to the extent and criminality of the offence. And in all prosecutions arising under this section, and under the twentieth section of the act\* to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four, to which this is an amendment, Indians shall be competent witnesses.

SEC. 3. And no such annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons for the officers or agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

[*Approved, March 3, 1847.*]

\* Chapter 161, 1834.

RESOLUTION 5.—Approved, March 2, 1847.—Vol. 9, p. 206.

Resolutions giving the thanks of Congress to Major-General Taylor, and the Officers and Men under his command, in the late military operations at Monterey.

Thanks of Congress tendered to Major-General Taylor, his officers and men.

A gold medal to be struck and presented to General Taylor.

Swords to be presented to generals Butler, Henderson, Twiggs, Worth and Quitman.

A sword to be presented to the nearest male relative of General Hamer.

The President to cause the foregoing resolutions to be communicated to General Taylor, and, through him, to the army under his command.

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RESOLUTION 7.—Approved, March 3, 1847.—Vol. 9, p. 206.

A Resolution to refund Money to the States which have supplied Volunteers and furnished them Transportation during the present War, before being mustered and received into the service of the United States.

THAT the secretary of war be, and he is hereby, authorized and required to cause to be refunded to the several states, or to individuals for services rendered acting under the authority of any states, the amount of expenses incurred by them in organizing, subsisting, and \* transporting volunteers previous to their being mustered and received into the service of the United States for the present war, and for subsisting troops in the service of the United States, without waiting for deductions to be made from the pay of said volunteers.

\* See 2 June, 1848, chap. 60, sec. 1.

CHAPTER 6.—Approved, January 26, 1848.—Vol. 9, p. 210.

An Act to provide Clothing for Volunteers in the service of the United States.

[Clothing in kind may be furnished to volunteers in lieu of commutation therefor.]

CHAPTER 8.—Approved, February 2, 1848.—Vol. 9, p. 210.

An Act making further Provisions for surviving Widows of the Soldiers of the Revolution.

1. Provision for widows of Revolutionary soldiers. Pension to cease on marriage.	2. This act extended to widows who are pensioners by special acts.
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SEC. 1. That if any person who served in the war of the Revolution in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act\* supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," *have died*, or shall hereafter die, leaving a widow, whose marriage took place before the first day of January, one thousand seven hundred and ninety-four, such widow shall be entitled to receive, for and during her natural life, from and after the fourth day of March, eighteen hundred† and forty-eight, the annuity or pension which might have been allowed to her husband, in virtue of said act, if living at the time it was passed, under the same rules, regulations, and‡ restrictions as are prescribed in the act approved July seventh, eighteen hundred and thirty-eight, entitled "An act granting half pay and pensions to certain widows:"§ *Provided*, That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. That such widows as have been admitted by spe-

\* Chapter 126, June 7, 1832.

† Repealed in Res. No. 6, Mar. 3, 1851.

‡ See Res. No. 13, 1 July, 1848.

§ Chapter 189, July 7, 1838.

cial acts of Congress to the benefit of the pension act, approved the seventh day of July, one thousand eight hundred and thirty-eight, or to the benefit of the act approved the seventeenth of June, one thousand eight hundred and forty-four, shall be entitled, and shall be admitted to the benefit of this act; subject, however, to the rules, limitations, and restrictions in and by said acts prescribed.

[*Approved, February 2, 1848.*]      ~

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CHAPTER 49.—Approved, May 27, 1848.—Vol. 9, p. 232.

An Act explanatory of the act entitled "An act to raise for a limited time, an additional Military Force, and for other purposes," approved eleventh February, eighteen hundred and forty-seven.

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| <p>1. Who shall be considered as "relatives," as used in the act of 11th Feb. 1847, chapter 8, to raise for a limited time an additional military force, &amp;c.</p> | <p>2. Benefits of said act shall not be forfeited by privates who have been promoted. Proviso.</p> |
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SEC. 1. That the term "relatives," as used in the ninth section of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved eleventh February, eighteen hundred and forty-seven, shall be considered as extending to the brothers and sisters of those persons whose services, under that act, may have entitled them to the land therein provided: the order or priority of right, however, shall remain as declared in that act; and those failing, the right shall accrue, fourthly, to the brother or sister, or in equal proportions to the brothers and sisters of the deceased, as the case may be.

SEC. 2. That the benefits of the said act of eleventh February, eighteen hundred and forty-seven, shall not be construed as forfeited by the privates and non-commissioned officers who have been, or may be, promoted to the grade of commissioned officer during their service in Mexico, and who shall have subsequently fulfilled the condition of their engagements: *Provided*, Such promotion shall have been made subsequent to the original organization of the company, corps, or regiment to which such privates and non-commissioned officers may have belonged.

## CHAPTER 60.—Approved, June 2, 1848.—Vol. 9, p. 236.

An Act to refund Money for Expenses incurred, subsistence or transportation furnished, for the use of Volunteers during the present War, before being mustered into the service of the United States.

<p>1. Provisions of joint resolution of March 3, 1847, extended so as to embrace all expenses heretofore incurred for volunteers prior to their being mus-</p>	<p>tered into service. Proviso: satisfactory proof required.</p> <p>2. Appropriation.</p> <p>3. Interest allowed in certain cases.</p>
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SEC. 1. That the provisions of the joint resolution\* approved March third, eighteen hundred and forty-seven, entitled "A Resolution to refund money to the States which have supplied volunteers, and furnished them transportation, during the present war, before being mustered and received into the service of the United States," be, and the same are hereby, extended, so as to embrace all cases of expenses heretofore incurred in organizing, subsisting, and transporting volunteers, previous to their being mustered and received into the service of the United States for the present war, whether by States, counties, corporations, or individuals, either acting with or without the authority of any States: *Provided, however*, That proof shall be made, to the satisfaction of the Secretary of War, of the amount thus expended, and that the same was necessary and proper for the troops aforesaid.

SEC. 2. That an amount sufficient to refund said expenses so incurred be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated.

SEC. 3. That, in refunding moneys under this act, and the resolution which it amends, it shall be lawful to pay interest at the rate of six per centum per annum on all sums advance [advanced] by States, corporations, or individuals, in all cases where the State, corporation, or individual paid or lost the interest, or is liable to pay it.

CHAPTER 71.—Approved, June 26, 1848.—Vol. 9, p. 239.

An Act making Appropriations for the Payment of Revolutionary and other Pensions of the United States for the year ending the thirtieth June, one thousand eight hundred and forty-nine.

[SEC. 2. Proviso in act of 7th May, 1846, ch. 13, repealed.]

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CHAPTER 99.—Approved, July 10, 1848.—Vol. 9, p. 246.

An Act to extend the Provisions of existing Pension Laws to enlisted Men of the Ordnance Corps of the United States Army.

SEC. 1. Provisions of certain pension laws extended to enlisted men of the ordnance corps; and

SEC. 2. Bounty lands granted to those of them who have served in Mexico.

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CHAPTER 104.—Approved, July 19, 1848.—Vol. 9, p. 247.

An Act to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing War between the United States and the republic of Mexico,'" and for other purposes.

4. Officers of the old army who received appointments in the new regiments restored to their former regiments or corps. Proviso: concerning vacancies.

5. Three months' extra pay. Proviso.

[SEC. 1. Repeal of provisions of the act of 18th June, 1846, chap. 29, requiring the number of major-generals in the army to be reduced to one, and the number of brigadier-generals to two, at the close of the war. Proviso as to filling up vacancies.

SEC. 2. So much of the existing laws as require the discharge, at the close of the war, of the additional majors, repealed. 1847, chap. 8.

SEC. 3. Repeal of the provisions requiring the discharge of additional surgeons, assistant surgeons, quartermasters, assistant quartermasters, assistant adjutants-general, deputy paymasters, and musicians. Proviso as to vacancies. Proviso.]

SEC. 4. That all the officers of the old army who received appointments in any of the additional regiments raised for the war with Mexico shall be restored to their former regiments or corps, and rank as additional officers of the respective grades to which they would have succeeded, and

to which they shall now succeed, in virtue of their former commission: *Provided*, That such officers so restored shall be appointed by the President, by and with the advice and consent of the senate: *And provided*, That the next vacancy\* happening in such grade of such regiment or corps to which they succeed shall not be filled.

SEC. 5. That the officers, non-commissioned officers, musicians, and privates engaged in the military service of the United States in the war with Mexico, and who served out the term of their engagement, or have been or may be honorably discharged—and first to the widows, second to the children, third to the parents, and fourth to the brothers and sisters of such who have been killed in battle, or who died in service, or who, having been honorably discharged, have since died, or may hereafter die, without receiving the three months' pay herein provided for—shall be entitled to receive three months' extra pay:† *Provided*, That this provision of this fifth section shall only apply to those who have been in actual service during the war.

[*Approved, July 19, 1848.*]

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#### CHAPTER 108.—Approved, July 21, 1848.—Vol. 9, p. 249.

An Act amending the Act entitled "An Act granting Half Pay to Widows or Orphans, where their husbands and fathers have died of wounds received in the Military Service of the United States," in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, eighteen hundred and thirty-six.

1. Provisions of the act of July 4, | widows or orphans, &c., made applica-  
1846, ch. 362, granting half-pay to | ble to all widows or orphans of officers,

\* This proviso as to vacancy is not to apply to the adjutant-general, by 2 March, 1849, chap. 83.

† To be settled now by the second auditor of the treasury, by Resolution No. 9, July 25, 1850.

The proviso in the 3d section was repealed by 2 Mar. 1849, chap. 83, as to adjutant-general's department, and the medical staff was increased by the 2d section thereof; and see 3 March, 1849, chap. 103, sec. 1, and Res. No. 24, Aug. 10, 1848, and the 28 Sep. 1850, Res. No. 20, providing for the marines in the same manner as the officers of the old army, and the ten additional paymasters seem to be retained by 2 Mar. 1849, chap. 80.



soldiers, &c., who were in the army 1st March, 1846, and during the present war with Mexico.

2. Widows and orphans herein provided for to receive the same rate of

pensions as is provided for in the above act. Proviso. Proviso.

3. Pensions under this act to be granted under such rules, &c., as the Secretary of War may prescribe.

SEC. 1. That the provisions of the first section of the act entitled "An Act\* granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July fourth, eighteen hundred and thirty-sixth, shall be applicable to all widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the army of the United States, who were in the army of the United States on the first day of March, eighteen hundred and forty-six, or at any subsequent period during the present war between the United States and Mexico.

SEC. 2. That all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular army or of volunteers, who have died since the first day of April, one thousand eight hundred and forty-six, or who may die† during the war with Mexico, from wounds received or from disease contracted while in the line of duty, shall be entitled to the same rate of pension as is provided for in the first section of the before-mentioned act, under like limitations and restrictions: *Provided*, Said death has occurred, or may hereafter occur, while said officers, non-commissioned officers, musicians, or privates, were in the service of the United States, and in the line of duty; or while returning to their usual place of residence in the United States, after having received a discharge upon a surgeon's certificate‡ for disability incurred from wounds received, or disease contracted, while in the line of duty, or while on their march to join the army in Mexico: *And*

\* Chap. 362.

† Or be discharged, or had remained till death, or have died from wounds or disease; 22 Feb. 1849, ch. 72, and Res. No. 20, Sept. 28, 1850.

‡ Or if the rolls show the disease, with Surgeon General's certificate, Res. No. 14, 3 March, 1849.

*provided further*, That this act shall not be applicable to the widows and orphans of such officers, non-commissioned officers, musicians, or privates, who have not served in Mexico, or at posts or stations on the borders of Mexico; except where such officers, non-commissioned officers, musicians, or privates, have died while on their march to join the army in Mexico.

SEC. 3. That all pensions under this act shall be granted under such rules, regulations, restrictions, and limitations as the Secretary of War, with the approbation of the President of the United States, may prescribe.

[*Approved, July 21, 1848.*]

# CHAPTER 120.—Approved, July 29, 1848.—Vol. 9, p. 265.

An Act for the Relief of certain surviving Widows of Officers and Soldiers of the Revolutionary Army.

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| <p>1. Certain widows of revolutionary officers and soldiers, &amp;c., to be entitled to a pension of equal amount to that their husbands would be entitled to, if living. No widow now receiving a</p> | <p>pension to be entitled to a further pension under this act.</p> <p>2. No mortgage, sale, assignment, &amp;c., of claims under this act to be valid. Rules of evidence.</p> |
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SEC. 1. That the widows of all officers, non-commissioned officers, musicians, soldiers, mariners, or marines, and Indian spies, who shall have served in the Continental line, State troops, volunteers, militia, or in the naval service, in the revolutionary war with Great Britain, shall be entitled to a pension during such widowhood, of equal amount per annum that their husbands would be entitled to, if living, under existing \* pension laws; to commence on the fourth day of March, eighteen hundred and forty-eight, and to be paid in the same manner that other pensions are paid to widows; but no widow now receiving a pension shall be entitled to receive a further pension under the provisions of this act; and no widow married after the first day of

\* 7 June, 1832, chap. 126.

January, one thousand eight hundred, shall be entitled to receive a pension under this act.

SEC. 2. That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any way granted by this act, shall be utterly void and of no effect, nor shall the annuities or pension granted by this act be liable to attachment, levy, or seizure by any process of law or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same. The same rules of evidence, regulations, and prescriptions shall apply and govern the commissioner of pensions and pension agents under this act as now\* prevail under existing pension laws which relate to widows of revolutionary officers and soldiers.

[SEC. 3. This act to take effect immediately.]

[*Approved, July 29, 1848.*]

## CHAPTER 155.—Approved, August 11, 1848.—Vol. 9, p. 282,

An act renewing certain Naval Pensions, and extending the benefits of existing laws respecting Naval Pensions, to Engineers, Firemen, and Coal-heavers in the Navy, and to their Widows.

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| <p>1. Naval pensions of certain widows and orphans renewed. Proviso. Pensions to be paid so long as such widows continue as widows. In case of death or marriage of widows, pensions to be paid to their children until they arrive at sixteen years of age. Proviso.</p> | <p>2. Pension laws extended to engineers, firemen, and coal-heavers, in the navy, and their widows and children. Rates of pension. Proviso.</p> <p>3. Amount of pension not to exceed the half pay of the deceased.</p> |
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SEC. 1. That all those widows and such child or children as are now receiving a pension under any of the laws of Congress passed prior† to the first of August, eighteen hundred and forty-one, (excepting the law‡ passed the third of March, eighteen hundred and thirty-seven,) and those widows and children who have received pensions at any time within five years prior to the passage of this act, may

\* 7 July, 1838, chap. 189; 23 Aug. 1842, chap. 191; 2 Feb. 1848, chap. 8.

† 26 June, 1812, chap. 107; 20 Jan. 1813, chap. 10; 13 Feb. 1813, chap. 22, and 4 March, 1814, chap. 20.

‡ Chapter 42.

and shall continue to receive the same amount as they have received under any special act, from the time such special act expired: *Provided*, Such act ceased on or after the first day of September, eighteen hundred and forty-five, or may hereafter terminate. And all such pensions as are now in force, and such as are renewed by this act, shall be paid out of any money in the treasury not otherwise appropriated, so long as the said widows shall live as widows, and in case of the death, before or after the passage of this act, of the widows, to the orphan child or children of the deceased parties, until they respectively arrive at the age of sixteen years; and to the child or children of said widows in case of marriage by said widows, until said child or children shall respectively arrive at the age of sixteen years; and that the act\* approved thirtieth April, eighteen hundred and forty-four, shall not be so construed as to exclude officers, seamen, or marines from their pensions when disabled for sea service: *Provided*, That the whole amount received by the pensioner, including pay for his service and pension, shall not exceed his lowest duty pay. That the orphan child or children of the deceased parties shall have a pension in case the widow has died after drawing a five years' pension, to commence at the time when the widow dies, and to continue until the child or children shall respectively reach the age of sixteen years; and that any casualty, by which an officer, seaman, or marine has lost or may lose his life while in the line of his duty, shall be considered sufficient to entitle the widow, child or children to all the benefits of this act.

SEC. 2. That engineers, firemen, and coal-heavers in the navy shall be entitled to pensions in the same manner as officers, seamen, and marines; and the widows of engineers, coal-heavers, and firemen in the same manner as the widows of officers, seamen, and marines: *Provided*, That the pension of a chief engineer shall be the same as that of a lieutenant in the navy; and a pension of the widow of a chief engineer

the same as that of the widow of a lieutenant in the navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; and the pension of the widow of a first assistant engineer the same as that of the widow of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; and the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; the pension of the widow of a fireman or coal-heaver the same as that of the widow of a seaman: *And provided further*, That an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first of August, eighteen hundred and forty-two, nor shall the widow of an engineer, fireman, or coal-heaver be entitled to any pension by reason of the death of her husband, if his death was prior to the said date.

SEC. 3. That the amount of pension in every case arising under this law [is] not to exceed the half-pay of the deceased officer, seaman, or marine, as it existed in January, eighteen hundred and thirty-five, or such rate of pension as is allowed by this act.

[*Approved, August 11, 1848.*]

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CHAPTER 168.—Approved, August 12, 1848.—Vol. 9, p. 303.

An Act concerning the Pay Department of the Army.

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| 1. Certain paymasters to be allowed a commission on the sums disbursed by them. Not to exceed \$1,000. | 2. Paymasters' clerks may be allowed an annual salary of \$700 in lieu of pay now received. |
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SEC. 1. That the paymaster-general be, and he is hereby, authorized to allow any of the paymasters of the army, who shall have been employed in the payment of volunteers, during the late war with Mexico, such a commission, not exceeding one-half of one per centum on all sums disbursed by them as aforesaid, as he shall deem a reasonable

compensation for the risk and labor attending such service: *Provided*, That the said commission to any one paymaster shall not exceed one thousand dollars per annum, from the commencement to the close of the war.

SEC. 2. That the said paymaster-general may, in his discretion, allow to any paymaster's clerk, in lieu of the pay now allowed by law, an annual salary of seven hundred dollars.

[*Approved, August 12, 1848.*]

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CHAPTER 173.—Approved, Aug. 14, 1848.—Vol. 9, p. 304.

An Act making appropriations for the Support of the Army, for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

<p>2. Repeal of act to increase rank and file of the army. 1846, chap. 17. Proviso.</p>	<p>of the mounted riflemen who served in Mexico may receive an honorable discharge. Proviso.</p>
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3. Non-commissioned officers, &c.,

SEC. 2. That the act entitled "An act\* to authorize an increase of the rank and file of the army of the United States," approved May thirteen, eighteen hundred and forty-six, be, and the same is hereby, repealed: *Provided*, That the President of the United States may, by transfer from other regiments, increase the number of privates, of not more than five regiments, to such number as he may think discreet, not exceeding one hundred privates to each of the companies of said five regiments.

SEC. 3. That any more commissioned [non-commissioned] officer, musician, or private in the regiment of mounted riflemen, who has been in service in Mexico, shall, on application, receive an honorable discharge from the service of the United States, and stand as if they had served out their respective terms: *Provided*, That any vacancy caused by such discharge shall be filled at the discretion of the President of the United States.

CHAPTER 179.—Approved, Aug. 14, 1848.—Vol. 9, p. 331.

An Act for the Relief of the Widows and Orphans of the Officers, Seamen and  
•Marines of the brig-of-war Somers.

Whereas the United States brig-of-war Somers was foundered at sea, in the offing of the harbor of Vera Cruz, while engaged, under very hazardous circumstances, in the prosecution of hostilities against an enemy of this republic: Therefore,

A sum equal to twelve months' pay of their deceased relatives awarded to the widows or children, &c., of the officers, seamen and marines of the late United States brig Somers.

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CHAPTER 180.—Approved, Aug. 14, 1848.—Vol. 9, p. 332.

An Act in relation to Military Land Warrants.

THAT any non-commissioned officer, musician, or private, or his widow or heirs, who shall receive and hold in his own right a land warrant, issued by the government of the United States for military service, may locate the same in on legal subdivision, on any public land subject to private entry, taking said land at the price at which the same is subject to private entry, and reckoning the warrant at one dollar and twenty-five cents per acre for the number of acres therein contained, and paying the balance, if any, in money; but no claim shall exist on the government to pay for any balance on said warrant in money.

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RESOLUTION 2.—Approved, March 9, 1848.—Vol. 9, p. 333.

Joint Resolution expressive of the Thanks of Congress to Major-General Winfield Scott, and the Troops under his Command, for their distinguished Gallantry and good Conduct in the Campaign of eighteen hundred and forty-seven.

Thanks of Congress presented to Major-General Scott and to the officers and men under his command, for their gallantry, good conduct, &c., in certain battles in Mexico.

A gold medal to be struck and presented to General Scott.

The President requested to cause the above resolutions to be communicated to General Scott.

RESOLUTION 4.—Approved, Mar. 24, 1848.—Vol. 9, p. 334.

Joint Resolution relative to the Evidence which shall be considered satisfactory in Applications for Bounty Land.

[In applications for bounty land warrants, the honorable discharge of the applicant predicated on a surgeon's certificate to be deemed sufficient evidence.]

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RESOLUTION 7.—Approved, May 9, 1848.—Vol. 9, p. 334.

Joint Resolution of Thanks to Major-General Taylor.

The thanks of Congress tendered to Major-General Zachary Taylor, and to the officers and soldiers under his command,\* for their valor, skill, and good conduct displayed in the battle of Buena Vista.

A gold medal to be struck and presented to Major-General Zachary Taylor.

The President requested to cause these resolutions to be communicated to General Taylor.

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RESOLUTION 8.—Approved, June 16, 1848.—Vol. 9, p. 335.

Joint Resolution in Relation to the Transportation and Discharge of the Military Forces of the United States, at the close of the War with Mexico.

[On the restoration of peace with Mexico, all the troops of the United States entitled to discharge to be transported to such places in the United States as may be least expensive and most convenient to them. Until discharged, officers and men to be paid and treated as in the service of the United States.]

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RESOLUTION 9.—Approved, June 16, 1848.—Vol. 9, p. 335.

Joint Resolution providing for Payment of the Regiment of Texas Mounted Troops called into the service of the United States, under the Requisition of Colonel Curtis, in the year eighteen hundred and forty-seven, and for other purposes.

Certain Texas mounted troops mustered into service for six months in 1847, and discharged before joining the army, to receive

\* By August 7, 1848. Thanks, &c., were also voted to officers, sailors, and marines, of the United States Navy.



the pay and allowances of mounted men from the time they arrived at San Antonio till mustered out of service or disbanded.

To be paid also for horses lost by them for want of forage. Proviso. 1847, ch. 39.

All horses belonging to volunteers which were thrown overboard in the Gulf of Mexico since 13th May, 1846, also to be paid for. [*Approved, June 16, 1848.*]

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RESOLUTION 13.—Approved, July 1, 1848.—Vol. 9, p. 336.

Joint Resolution relative to Evidence in application for Pensions.

THAT in all cases where a pension may have been granted to any officer or soldier of the Revolution in his life-time, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier in the application of any widow, or woman who may have been the widow, of such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier prior to January first, seventeen hundred and ninety-four, and that she is a widow, she shall thereupon be placed upon the pension rolls at the same rate that such officer or soldier received during his life-time.\*

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RESOLUTION 20.—Approved, July 29, 1848.—Vol. 9, p. 339.

A Resolution for the speedy Payment of the Three Months' Extra Pay to the Officers, non-commissioned Officers, Musicians, and Privates, who have served in the late war with Mexico, allowed by the Act of July nineteenth, eighteen hundred and forty-eight.

[The three months' extra pay to officers and soldiers who served in Mexico, to be settled by the pay department of the army.]

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RESOLUTION 24.—Approved, Aug. 10, 1848.—Vol. 9, p. 340.

Joint Resolution concerning certain Portions of the Marine and Ordnance Corps.

SEC. 1. That the officers, non-commissioned officers, pri-

\* See chap. 189, July 7, 1838, and chap. 8, Feb. 2, 1848.

vates, and musicians of the marine corps, who have served with the army in the war with Mexico, and also the artificers and laborers of the ordnance corps serving in said war be placed, in all respects as to bounty land and other remuneration,\* in addition to ordinary pay, on a footing with the officers, non-commissioned officers, privates, and musicians of the army: *Provided*, That this remuneration shall be in lieu of prize money and all other extra allowances.

SEC. 2. That the non-commissioned officers of the marine corps shall be entitled to the same bounty for reënlistment as is now † or may hereafter be received by the non-commissioned officers of the army.

[*Approved, August 10, 1848.*]

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CHAPTER 62.—Approved, Feb. 22, 1849.—Vol. 9, p. 347.

An Act granting Five Years' Half Pay to certain Widows and Orphans of Officers, non-commissioned Officers, Musicians, and Privates, both Regulars and Volunteers.

THAT the provisions of the second section of the act entitled "An Act ‡ amending the act entitled 'An Act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States,' in cases of deceased officers and soldiers of the militia and volunteers," approved July twenty-first, eighteen hundred and forty-eight, shall be so construed as to embrace all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular army or § of volunteers, who have received an honorable discharge, or || who remained to the date of their death in the military service of the United States, and who

\* By 5 July, 1838, chap. 162, and 2 Mar. 1837, chap. 21.

† See 11 Feb. 1847, chap. 8.

‡ Chapter 108.

§ Or the Militia of the war of 1812, or the Indian wars since 1790. See Feb. 3, 1853, chap. 41.

|| Extended to the widows of those who died in the service in Mexico, or going or returning, &c., Sept. 1850, or who were in the army 1st March, 1846, or since.

have died, since their return to their usual place of residence, of wounds received, or from disease contracted while in line of duty, subject to such rules, regulations, and restrictions, as the secretary of war, by the third section of said act, is authorized to impose.

[*Approved, February 22, 1849.*]

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CHAPTER 79.—Approved, March 2, 1849.—Vol. 9, p. 349.

An Act to allow Subsistence to certain Arkansas and other Volunteers, who have been Prisoners of War in Mexico.

SEC. 1. Money, in lieu of subsistence, to be paid to certain volunteers.

SEC. 2. Benefits of this act to be extended to legal representatives. What evidence shall be sufficient.

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CHAPTER 80.—Approved, March 2, 1849.—Vol. 9, p. 350.

An Act concerning the Pay Department of the Army.

THAT the pay department of the army shall consist of a paymaster-general, who shall have the rank of colonel, and the same pay and allowances as are at present provided by law\* and the same tenure of office as the heads of other disbursing departments of the army; two deputy paymasters-general, with the same rank, pay, and allowances† as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of the army; and twenty-five paymasters, with the same rank, pay, and allowances‡ as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of

\* 3 March, 1847, chap. 61.

† Salary \$2,500 by act 24 April, 1816, chap. 69.

‡ 3 Mar. 1847, chap. 61, sec. 12, of deputy quartermaster-general, who had the rank and emoluments of lieutenant-colonel of dragoons, by 5 July, 1838, chap. 162, and see 2 Mar. 1821, chap. 13, sec. 9 and note.

the army. That it shall be the duty of all disbursing officers of the pay department to renew their bonds, or furnish additional security, at least once in four years, or as much oftener as the President may direct. That the officers of the pay department, provided for by the first section of this act, shall consist of the paymaster-general, the two deputy paymasters-general now in commission, the fifteen paymasters who were in service under the acts in force at the commencement of the war with Mexico, and ten paymasters to be selected from the additional paymasters now in service, and the thirteen paymasters authorized by the acts of the seventeenth of June, eighteen hundred and forty-six\* and the third of March, eighteen hundred and forty-seven.†

[*Approved, March 2, 1849.*]

CHAPTER 83.—Approved, March 2, 1849.—Vol. 9, p. 351.

An Act to provide for an Increase of the Medical Staff, and for an additional Number of Chaplains of the Army of the United States.

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| 2. Medical staff increased.                            | 4. Judge advocate of the army—<br>appointment of, authorized. |
| 3. Appointment of ten additional chaplains authorized. |   |

[SEC. 1. Repeal of provision of act of July 19, 1848, chap. 104, prohibiting the filling of vacancies in the medical staff.]

SEC. 2. That the medical staff of the army be increased by the addition of ten assistant surgeons, to be appointed as provided by existing laws, and the regulations made under them.

SEC. 3. That the provisions of the act of eighteen hundred and thirty-eight‡ be, and hereby are, extended so as to authorize the employment of ten additional chaplains, for military posts of the United States.

SEC. 4. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint a suitable person as judge advocate for § the army,

\* Chap. 28.

† Chap. 61.

‡ 7 July, 1838, chap. 194.

§ In cases of general court martial the President may appoint: 16 March, 1802, chap. 9, sec. 21—and see act 3 March, 1797, chap. 16, vol. 1, p. 508.

to be taken from the captains in the army, who shall have the brevet rank, pay, and emoluments of a major of cavalry, and that so much of the proviso to the third section of the act \* approved July nineteenth, eighteen hundred and forty-eight, as relates to officers of the Adjutant-General's department, be, and the same is hereby, repealed.

[*Approved, March 2, 1849.*]

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CHAPTER 101.—Approved, March 3, 1849.—Vol. 9, p. 370.

An Act making appropriations for the Support of the Army, for the year ending thirtieth of June, one thousand eight hundred and fifty.

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| 2. Increase of pay to military storekeeper at Watertown, Mass. | the sappers, miners, and pontoniers, who served in Mexico, to be entitled |
| 3. Non-commissioned officers, &c., of                          | to an honorable discharge.  |

SEC. 2. That the military storekeeper at Watertown arsenal, Massachusetts, be allowed, from the first day of October, eighteen hundred and forty-two, the *the* same compensation as is authorized by the act † of the twenty-third August, eighteen hundred and forty-two, to be paid to the storekeepers at the Washington, Pittsburg, and Watervliet arsenals; and that there be paid to military storekeeper T. A. Webber twenty dollars per month, for and during the time he has performed the duties of commissary and assistant commissary of subsistence at said arsenal.

SEC. 3. That any non-commissioned officer, musician, or private, in the company of sappers and miners, and pontoniers, raised by the act ‡ of May ninth, eighteen hundred and forty-eight, who served in said company in the war with Mexico, shall, on application, be entitled to receive an honorable discharge from the service of the United States, and stand as if they had served out their respective terms.

\* Chap. 104.

† Chap. 186.

‡ Chap. 21.

CHAPTER 103.—Approved, March 3, 1849.—Vol. 9, p. 374.

An Act making appropriations for the Naval Service for the year ending the thirtieth of June, one thousand eight hundred and fifty.

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| <p>1. Marines substituted for landsmen and certain officers of the marine corps disbanded by the act of March 2, 1847, chap. 40, restored.</p> | <p>5. Retention from pay of marines extended, as in the case of musicians and privates.</p> |
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SEC. 1. \* \* \* \* *Marine Corps*.—For pay of officers, &c. *Provided*, That the President of the United States may substitute marines for landsmen in the navy, as far as he may deem it expedient to promote the efficiency of the service. And that the officers of the marine corps affected by the 4th section of the act of Congress approved March 2, 1847, entitled “An act\* for the increase of the marine corps of the United States,” shall be provided for in the same manner that the officers of the old army, who received appointments in the additional regiments raised for the war with Mexico, were under the 4th section of the act of Congress, approved July nineteen, eighteen hundred and forty-eight, entitled “An act† supplementary to an act entitled ‘An act providing for the prosecution of the existing war between the United States and the republic of Mexico, and for other purposes.’”

SEC. 5. That the retention of one dollar per month from the pay of the musicians and privates of the marine corps directed by the act of second March, eighteen hundred and thirty-three, be extended, as in the case of the musicians and privates of the army, to the whole term of their enlistment.

\* Chapter 40.

† Chapter 104.

CHAPTER 126.—Approved, March 3, 1849.—Vol. 9, p. 412.

An Act to provide for the Settlement of the Accounts of Public Officers and others who may have received Moneys arising from Military Contributions, or otherwise, in Mexico.

2. Provision for compensation of officers who had the collection of such contributions, &c.

SEC. 2. That where an officer has had the supervision of the collection of the military contributions at any of the ports in Mexico, and has, at the same time, exercised civil functions, under the temporary government there established, or where *and* officer or other person shall have performed the duties of collectors at such ports, such officer or person shall be allowed a compensation which shall be assimilated in amount, as nearly as may be, including the regular pay and emoluments of such officer, to that allowed by existing laws to officers of the customs in the United States where the services are similar in amount and importance; such allowance, in all cases, to be determined by the President of the United States. And all officers of the army and other persons in public employment, who have received payment for their services in collecting, keeping, or accounting for said moneys, and for other necessary services, are authorized to retain so much of the amounts so received as, in the opinion of the President of the United States, may be a fair compensation for said services.

CHAPTER 129.—Approved, March 3, 1849.—Vol. 9, p. 414.

An Act\* to provide for the Payment of Horses and other Property lost or destroyed in the Military Service of the United States.

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| 1. Payment for horses and other property lost or destroyed in the military service of the United States provided for. Proviso. Proviso. | 2. Payment provided for horses, mules, oxen, wagons, carts, &c. captured or destroyed by the enemy. Proviso. |
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\* And see Res. No. 17, sec. 2, 3 March, 1849.

This act supersedes all the expired acts on the same subject from 9 April, 1816, to 2 March, 1847.

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| 3. Claims provided for under this act, to be adjusted by third auditor of the treasury.<br>4. Adjudications upon claims to be recorded by third auditor, and when favorable, to be paid at the treasury upon his certificate<br>5. Parents or guardians to be allowed | for lost horses, &c., provided for minors.<br>6. When persons other than minors have been provided with horses, &c., the owners to be paid.<br>7. Horses condemned as unfit for service, in consequence of want of forage, to be paid for. |
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SEC. 1. That any field, or staff, or other officer, mounted militia-man, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained, or shall sustain, damage without any fault or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost, or shall sustain damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea when on board an United States transport vessel, or because the United States failed to supply transportation for the horse, and the owner was compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof, or for the loss of necessary equipage, in consequence of the loss of his horse, as aforesaid, shall be allowed and paid the value thereof, not to exceed two hundred dollars: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall



satisfy, the paymaster at the time he made, or shall make, the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided, also*, If any payment shall have been, or shall hereafter be, made to any person above mentioned, on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

SEC. 2. That any person who has sustained, or shall sustain, damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained, or shall sustain, damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, and any person who has lost, or shall lose, or has had, or shall have, destroyed by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death, was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States.

SEC. 3. That the claims provided for under this act shall be adjusted by the third auditor, under such rules as shall be prescribed by the secretary of war, under the direction or with the assent of the President of the United States, as well in regard to the receipt of applications of claimants as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, which rules

shall be such as in the opinion of the President shall be best calculated to obtain the object of this act, paying a due regard as well to the claims of individuals' justice as to the interest of the United States; which rules and regulations shall be published for four weeks in such newspapers, in which the laws of the United States are published, as the secretary of war shall direct.

SEC. 4. That *in* all adjudications of said auditor upon the claims above mentioned, whether such judgments be in favor of or adverse to the claim, shall be entered in a book provided by him for that purpose, and under his direction; and when such judgments shall be in favor of such claim, the claimant or his legal representative shall be entitled to the amount thereof, upon the production of a copy thereof, certified by said auditor, at the treasury of the United States.

SEC. 5. That in all instances where any minor has been, or shall be, engaged in the military service of the United States, and was, or shall be, provided with a horse or equipments, or with military accoutrement by his parent or guardian, and has died, or shall die, without paying for said property, and the same has been, or shall be, lost, captured, destroyed, or abandoned in the manner before mentioned, said parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

SEC. 6. That in all instances where any person other than a minor has been, or shall be, engaged in the military service aforesaid, and has been, or shall be, provided with a horse or equipment, or with military accoutrements by any person, the owner thereof, who has risked, or shall take the risk of such horse, equipments, or military accoutrements on himself, and the same has been, or shall be, lost, captured, destroyed, or abandoned in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further

proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

SEC. 7. That in all cases where horses have been condemned by a board of officers, on account of their unfitness for service, in consequence of the government failing to supply forage, all such horses and their equipage shall be allowed and paid for, whenever the facts shall be proven, by legal and satisfactory evidence, whether oral or written, that such condemned horse and the equipage was turned over to a quartermaster of the army, whether any receipt therefor was given and produced or not.

[*Approved, March 3, 1849.*]

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RESOLUTION 12.—Approved, March 2, 1849.—Vol. 9, p. 418.

A Resolution authorizing the Secretary of War to furnish Arms and Ammunition to persons emigrating to the Territories of Oregon, California, and New Mexico.

[The Secretary of War to furnish arms and ammunition to emigrants to California. Provisoos.]

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RESOLUTION 14.—Approved, March 3, 1849.—Vol. 9, p. 418.

Joint Resolution relative to Evidence in Applications for Pensions by Widows of deceased Soldiers, under the Act of July twenty-first, eighteen hundred and forty-eight.

THAT in all applications for pensions by the widows of deceased soldiers under the act of July twenty-first, eighteen hundred and forty-eight,\* the returns on the rolls of the disease of which the soldier died, and the official opinion of the surgeon-general founded thereon, that from the nature of the disease it was contracted while the soldier was in the line of his duty, shall be considered satisfactory evidence thereof, without the proof now required at the Pension Office; and that it shall be the duty of the Commissioner of Pensions, in all cases of application for pensions under said act, to apply to the proper officers for said evidence, without requiring the applicant to furnish the same.

\* Chapter 108.

## CHAPTER 20.—Approved, June 17, 1850.—Vol. 9, p. 438.

An Act to increase the Rank and File of the Army, and to encourage Enlistments.

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| 1. Each company of artillery to consist of a specified number. | enlistment, authorized. Proviso.                |
| 2. Increase of privates by voluntary                           | 3. Bounty to be given on a certain contingency. |

SEC. 1. That hereafter each company \* of artillery designated and serving as light artillery, shall, during such service, consist of the commissioned officers as now provided by law, and of four sergeants, four corporals, two artificers, two musicians, and sixty-four privates.

SEC. 2. That the President of the United States be, and he is hereby, authorized, by voluntary enlistment, to increase the number of privates in each or any of the companies of the existing regiments of the army, at present serving, or which may hereafter serve, at the several military posts on the western frontier, and † at remote and distant stations, to any number not exceeding seventy-four, and to cause such portions of the army as may, by law, be serving on foot, to be properly equipped and mounted whenever, in his opinion, the exigency of the public service may require the same: *Provided*, That the said enlistments shall be for the term of five years, unless sooner discharged.

SEC. 3. That whenever enlistments are made at, or in the vicinity of, the said military posts, and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York, to the place of such enlistment, be, and the same is hereby, allowed to each recruit so enlisted, to be paid in unequal instalments at the end of each year's service, so that the several amounts shall annually increase, and the largest be paid at the expiration of each enlistment.

\* See 2 Mar., 1821, ch. 13, and 3 Mar., 1847, ch. 61.

† This has been done in the companies serving in Texas, California, New Mexico and Oregon, and some western forts. See President's last message. 1823, pt. 2, p. 103 Adj't. General Cooper's note.

CHAPTER 54.—Approved, Sept. 16, 1850.—Vol. 9, p. 459.

An Act making appropriations for the Support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and fifty-one.

SEC. 1. For forage of officers' horses, &c. *Provided*, That hereafter, in lieu of the pay proper, ordinary rations, forage, and servants, heretofore received under the provisions of the act of April twelfth, [twenty-ninth,] eighteen hundred and twelve, the professors of engineers, philosophy, mathematics, ethics, and chemistry, shall be entitled to receive two thousand dollars each, per annum; and the professors of drawing and French, fifteen hundred dollars each, per annum.

CHAPTER 70.—Approved, Sept. 26, 1850.—Vol. 9, p. 469.

An Act to Increase the Commissariat of the United States Army.

SEC. 1. That there be added \* to the subsistence department four commissaries of subsistence with the rank of captain, to be taken from the line of the army.

SEC. 2. That the senior aid-de-camp of the major-general commanding the army may be taken from the captains or majors of the army, and shall be allowed the pay and emoluments of a major † of cavalry.

CHAPTER 78.—Approved, Sept. 28, 1850.—Vol. 9, p. 504.

An Act making appropriations for the Support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-one.

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| <p>1. Pay of superintendent of Military Academy.</p> <p>3. Monies arising from sales of subsistence, &amp;c. not to be subject to act 3 Mar. 1849.</p> <p>4. Pay of military storekeeper at</p> | <p>Little Rock made same as at Washington.</p> <p>5. Minors enlisted without consent of parents, may be discharged upon their application.</p> |
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SEC. 1. For pay of the army, &c. *Provided*, That the

\* See 2 Mar. 1821, chap. 13, sec. 8 and note.

† See April 12, 1808, chap. 43, sec. 4.

pay and emoluments of the superintendent of the United States Military Academy shall in no case be less than the pay and emoluments of the professor of natural and experimental philosophy.

SEC. 3. That the moneys which may 'be received by the proper officers of the army for the sales of subsistence, military stores, and other supplies, be, and they are hereby, exempted from the operation of the act of the third of March, eighteen hundred and forty-nine, entitled "An act requiring all moneys received from the customs, and all other sources, to be paid into the treasury without abatement or reduction."

SEC. 4. That the military storekeeper at Little Rock arsenal, Arkansas, be allowed, from the first day of October, eighteen hundred and forty-two, to the twenty-fifth day of October, eighteen hundred and forty-nine, the same compensation as is authorized by the act of the twenty-third of August, eighteen hundred and forty-two, to be paid to the storekeepers at the Washington, Pittsburg and Watervliet arsenals.

SEC. 5. That it shall be the duty of the secretary of war to order the discharge of any soldier of the army of the United States, who at the time of his enlistment was under the age of twenty-one years, upon evidence being produced to him that such enlistment was without the consent of his parent or guardian.

[*Approved, September 28, 1850.*]

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## CHAPTER 85.—Approved, Sept. 28, 1850.—Vol. 9, p. 520.

An Act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.

<p>1. Certain classes of persons in the military service of the United States during the war of 1812, the war with Mexico, or Indian wars, or their widows</p>	<p>or minor children entitled to lands, in proportion to certain periods of service. Proviso. Further proviso.</p>
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2. The period during which any

officer or soldier was a prisoner to the enemy to be added to his time of actual service.

3. Those entitled to land under this act to receive a certificate from the Department of the Interior for land which may be located at any land office of the United States. The widow

of any officer, etc., killed in battle, to receive the benefit of this. Proviso. Further proviso.

4. All sales, mortgages, and letters of attorney, affecting any title to land warrants, if made before the issue of said warrants, to be void. Proviso. Further proviso. Further proviso.

SEC. 1. That each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or \* militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared by the United States on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and each of the commissioned officers who was engaged in the military service of the United States in the late war with Mexico, shall be entitled to lands, as follows: Those† who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres: *Provided*, That wherever any officer or soldier was honorably discharged in consequence of disability in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve: *Provided*, The person so having been in service shall not receive said land, or any part thereof, if it shall appear, by the muster rolls of his regiment or corps, that he deserted, or was dishonorably discharged from service, or if

\* Or State troops paid by United States after June 18, 1812, by act 22 March, 1852, ch. 19, sec. 4.

† See same acts, sec. 5, for a new mode of estimate.

he has received, or is entitled to, any military land bounty under any act of Congress heretofore passed.

SEC. 2. That the period during which any officer or soldier may have remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so detained in captivity shall receive land under the provisions of this act in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such time.

SEC. 3. That each commissioned and non-commissioned officer, musician, or private, for whom provision is made by the first section hereof, shall receive a certificate or warrant from the Department of the Interior for the quantity of land to which he may be entitled, and which may be located by the warrantee or his heirs at law, at any land office of the United States, in one body and in conformity to the legal subdivisions of the public lands, upon any of the public lands\* in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made to the general land office, a patent shall be issued therefor. In the event of the death of any commissioned or non-commissioned officer, musician, or private, prior or subsequent to the passage of this act, who shall have served as aforesaid, and who shall not have received bounty land for said services, a like certificate or warrant shall be issued in favor, and enure to the benefit of his widow† who shall receive one hundred and sixty acres of land in case her husband was killed in battle, but not to her heirs, *Provided*, She is unmarried at the date of her application. *Provided further*, That no land warrant issued under the provisions of this act shall be laid upon any land of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation, except

\* Not heretofore brought into market, 3 March, 1851, chap. 32, sec. 1.

† See 5 August, 1854, sec. 3.



with the consent of such settler, to be satisfactorily proven to the proper land officer.

SEC. 4. That all sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, or to be granted, under the provisions of this act, made or executed prior to the issue, shall be null and \* void to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier, prior to the issuing of the patent: *Provided*, † That the benefits of this act shall not accrue to any person who is a member of the present Congress. *Provided further*, That it shall be the duty of the commissioner of the general land office, under such regulations as may be prescribed by the secretary of the interior, to cause to be located, free ‡ of expense, any warrant which the holder may transmit to the general land office for that purpose in such State and land district as the said holder or warrantee may designate, and upon good farming land, so far as the same can be ascertained from the maps, plats, and field notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made as aforesaid, the secretary shall cause a patent to be transmitted to such warrantee: *And provided further*, That no patent issued under this act shall be delivered upon any power of attorney or agreement dated before the passage of this act, and that all such powers of attorney or agreements be considered and treated as null and void.

[*Approved, September 28, 1850.*]

\* But see 22 March, 1852, chap. 19, sec. 1.

† Proviso repealed by act Aug. 4, 1854, chap. 248.

‡ But see 22 March, 1852, chap. 19, sec. 1.

RESOLUTION 9.—Approved, July 29, 1850.—Vol. 9, p. 562.

A Resolution for restoring the Settlement of the "three months' extra pay"  
Claims to the Accounting Officers of the Treasury.

THAT from and after the passage of this act, the unsettled claims of the officers, non-commissioned officers, musicians, and privates, for three months' extra pay for services in the war with Mexico, as provided for by the fifth section of the act\* approved July nineteenth, eighteen hundred and forty-eight, chapter one hundred and four, which, by a joint resolution of Congress, approved July twenty-ninth, eighteen hundred and forty-eight, it was made the duty of the pay department of the army to settle under such regulations as the paymaster-general, with the approval of the secretary of war, shall establish, be, and the same are hereby, directed to be settled by the second auditor and certified by the second comptroller of the treasury. That all muster and pay rolls, and all other papers relating to said claims on file in the paymaster-general's office, be transferred to the second auditor's office, and that the settlements made by the pay department, under the joint resolution† approved the twenty-ninth day of July, eighteen hundred and forty-eight, be considered as valid as if they had been made by the accounting officers of the treasury.

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RESOLUTION 20.—Approved, Sept. 28, 1850.—Vol. 9, p. 564.

Joint Resolution explanatory of certain acts therein mentioned.

THAT the provisions of the second section of the act entitled "An act amending the act entitled 'An act‡ granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States,'" approved July twenty-one, eighteen

\* Chapter 104.

† No. 20, vol. 9, p. 329.

‡ Chapter 108.

hundred and forty-eight, extended by the act\* of February twenty-two, eighteen hundred and forty-nine, shall be construed to embrace the widows and orphans of all persons designated therein, who died while in actual service in the late war with Mexico, or in going to and returning from the same; and also to the widows and orphans of all such persons as, having been honorably discharged, or having resigned, shall have died after the passage of said last mentioned act, or who may hereafter die, of wounds received or from disease contracted while in said service: *Provided*, That the army rolls showing the death of any of said persons in the army, shall be sufficient evidence to establish that fact.

[*Approved, September 28, 1850.*]

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CHAPTER 22.—Approved, March 3, 1851.—Vol. 9, p. 593.

An Act making appropriations for the Support of the Military Academy for the year ending thirtieth of June, eighteen hundred and fifty-two.

THAT hereafter, in lieu of the pay proper, ordinary rations, forage, and servants, heretofore received under the provisions of the act of April twelfth, [twenty-ninth,] eighteen hundred and twelve, the professors of engineers, philosophy, mathematics, ethics, and chemistry, shall be entitled to receive two thousand dollars each, per annum, and the professors of drawing and † French, fifteen hundred dollars each, ‡ per annum: And that the adjutant of the Military Academy shall hereafter be entitled to receive the same pay and allowances as an adjutant of a regiment of dragoons. §

\* Chapter 62.

† Established 28 Feb. 1803, chap. 13, sec. 2, and 8 Aug. 1846, chap. 96.

‡ Same salary as the other professors, 3 Mar. 1855, chap. 208.

§ See act of 1812, chap. 72, and 1850, chap. 54.

CHAPTER 25.—Approved, March 3, 1851.—Vol. 9, p. 595.

An Act to found a Military Asylum for the Relief and Support of invalid and disabled Soldiers of the Army of the United States.\*

1. Who are to be members of the asylum.	Balance of former appropriation. 1847, chap. 35. \$118,791.19 of the contributions levied in Mexico. Fines and stoppages of pay of soldiers, after certain deduction. Forfeitures for desertion. Part of hospital and post funds. Unclaimed pay of deceased soldiers, subject to be reclaimed. Deductions from pay. Commissioners authorized to receive donations. Proviso.
2. Government of the asylum. Commissioners—their powers.	
3. Officers of the institution. Appointment and removal.	
4. Who entitled to the privileges of the asylum. Proviso.	
5. Discharge on recovery. Pensioners to be entitled to the privileges of the asylum, on transferring their pensions while availing themselves of it.	8. Site or sites for asylum. Buildings.
6. Soldiers convicted of felony, or other disgraceful or infamous crime, excluded from said privileges	9. Rules and regulations to be prepared. Asylums to be fitted and furnished. Report to be made by secretary of war at next session of Congress.
7. Funds for support of the asylum.	

SEC. 1. That all soldiers of the army of the United States, and all soldiers who have been, or may hereafter be, of the army of the United States, whether regulars or volunteers, and who have contributed, or may hereafter contribute, according to section seven, of this act, to the support of the military asylum hereby created, shall, under the restrictions and provisions which follow, be members of the said asylum, with all the rights annexed thereto.

SEC. 2. That, for the good government and attainment of the objects proposed by the institution aforesaid, the general-in-chief commanding the army, the generals commanding the eastern and western geographical military divisions, the quartermaster-general, the commissary-general of subsistence, the paymaster-general, the surgeon-general, and the adjutant-general, shall be, *ex officio*, commissioners of the same, constituting a board of commissioners, a majority of whom shall have power to establish, from time to time, regulations for the general and internal direction of

\* The military asylums at Washington and Harrodsburg were established under this act; the latter was ordered to be abolished by 3 Mar. 1857, sec. 10.

the institution, to be submitted to the secretary of war for approval; and may do any other act or acts necessary for the government and interests of the same, as authorized herein.

SEC. 3. That the officers of the institution shall consist of a governor, a deputy governor, and a secretary, for each separate site of the asylum, the latter to be also treasurer; and the said officers shall be taken from the army, and appointed or removed, from time to time, as the interests of the institution may require, by the secretary of war, on the recommendation of the board of commissioners.

SEC. 4. That the following persons, members of the army asylum, according to section one, shall be entitled to the rights and benefits herein conferred, and no others, viz: every soldier of the army of the United States who shall have served, or may serve, honestly and faithfully twenty years in the same, and every soldier, and every discharged soldier, whether regular or volunteer, who shall have suffered by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability has not been occasioned by his own misconduct: *Provided*, That no deserter, mutineer, or habitual drunkard, shall be received without such evidence of subsequent service, good conduct and reformation of character as the commissioners shall deem sufficient to authorize his admission.

SEC. 5. That any soldier admitted into this institution, for disability as aforesaid, and who shall recover his health, so as to fit him again for military service, (he being under fifty years of age,) shall be discharged: *Provided*, That any pensioner on account of wounds or disability incurred in the military service, although he may not have contributed to the funds of the institution, shall be entitled to all the benefits herein provided, upon transferring his pension to said asylum, for and during the period that he may voluntarily continue to receive such benefits.

SEC. 6. That the provisions of the foregoing sections shall not be extended to any soldier in the regular or volunteer

service, who shall have been convicted of felony, or other disgraceful or infamous crimes of a civil nature since he shall have been admitted into the service of the United States.

SEC. 7. That for the support of the said institution the following funds shall be set apart, and the same are hereby appropriated: any unexpended balance of the appropriation made March second, eighteen hundred and forty-seven, now remaining in the treasury, for the benefit of discharged soldiers disabled by wounds; the sum of one hundred and eighteen thousand seven hundred and ninety-one dollars and nineteen cents, levied by the commanding general of the army of the United States in Mexico, during the war with that republic, for the benefit of the soldiers of the United States army, regulars and volunteers, engaged in that war, but taken possession of as funds of the United States and placed in the treasury; all stoppages or fines adjudged against soldiers by sentence of courts martial, over and above any amount that may be due for the reimbursement of government, or of individuals; all forfeitures on account of desertion, all moneys, not exceeding two-thirds of the balance on hand, of the hospital fund, and of the post fund of each military station, after deducting the necessary expenses of the year, and all moneys belonging to the estates of deceased soldiers, which now are, or may hereafter be unclaimed for the period of three years, subsequent to the death of said soldier or soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased: *And provided, also,* That from the first day of the month, next after the passage of this act, there shall be deducted from the pay of every non-commissioned officer, musician, artificer, and private, of the army of the United States, the sum of twenty-five cents per month, which sum so deducted shall, by the pay department of the army, be passed to the credit of the commissioners of the army asylum, who are hereby also authorized to receive all donations of money or property made by any person or persons for the benefit of the

institution, and hold the same for its sole and exclusive use: *Provided*, That the deduction of twenty-five cents per month from the pay of non-commissioned officers, musicians, artificers, and privates of regiments of volunteers, or other corps or regiments, raised for a limited period, or for a temporary purpose or purposes, shall only be made with their consent.

SEC. 8. That the commissioners of this institution, by and with the approval of the President, be, and the same are hereby authorized and required to procure for immediate use, at a suitable place or places, a site or sites for the military asylum, and if the necessary buildings cannot be procured with the site or sites, to have the same erected, having due regard to the health of the locations, facility of access, to economy, and giving preference to such places as, with the most convenience and least cost, will accommodate the persons provided for in this act.

SEC. 9. That the commissioners, with the approval of the secretary of war, prepare the necessary rules and regulations for the government of said institution, and cause the same to be fitted and furnished for the immediate reception of those persons provided for in this act, and that the secretary of war report upon the execution of this duty at the next session of Congress.

[*Approved, March 3, 1851.*]

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CHAPTER 33.—Approved, March 3, 1851.—Vol. 9, p. 618.

An Act making appropriations for the Support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-two.

For pay of the army, &c. *Provided*, That all promotions in the staff department, or corps, shall be made as in other corps of the army.

CHAPTER 37.—Approved, March 3, 1851.—Vol. 9, p. 627.

An Act making appropriations for Lighthouses, Light-boats, Buoys, &c., and providing for the Erection and Establishment of the same, and for other purposes.

SEC. 9. That the President be, and he is hereby, required to cause to be detailed from the engineer corps of the army, from time to time, such officers as may be necessary to superintend the construction and renovating lighthouses.\*

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RESOLUTION 6.—Approved, March 3, 1851.—Vol. 9, p. 647.

Joint Resolution explaining the acts of seventh July, eighteen hundred and thirty-eight, March third, eighteen hundred and forty-three, and June seventeenth, eight hundred and forty-four.

[The benefits of the acts of 1838, chap. 189; 1843, chap. 102; and 1844, chap. 102, granting pensions to widows, extended to those whose husbands died after the passage of those acts.]

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CHAPTER 19.—Approved, March 22, 1852.—Vol. 10, p. 3.

An Act to make Land Warrants assignable, and for other purposes.

1. Military bounty land warrants and locations, under existing or future laws, made assignable. To be received for preëmption payments. How located. Difference to be paid in cash	where the minimum price is more than \$1.25 per acre. 4. Military bounty land act of Sept. 28, 1850, chap. 85, extended. Proviso. 5. Length of service how computed.
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SEC. 1. That all warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing made and executed after the taking effect of this act according to such form, and pursuant to such regulations as may be prescribed by the commissioner of the general land-office, so as to

\* See act 21 Aug. 1852, chap. 112, sec. 17.



vest the assignee with all the rights of the original owner of the warrant or location: *Provided*, That any person entitled to preëmption right to any land shall be entitled to use any such land warrant in payment for the same at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified: *Provided*, That the warrants which have been, or may hereafter be, issued in pursuance of said laws or of this act may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States, subject to private entry at the time of such location, at the minimum price. *Provided, further*, That when said warrant shall be located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on.

SEC. 4. That in all cases where the militia or volunteers, or state troops of any state or territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers or\* troops shall be entitled to all the benefits of the act entitled "An act† granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eight, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required, and that the last proviso of the ninth section of the act of the eleventh‡ of February, eighteen hundred and forty-seven, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

\* And see as to widows, Aug. 5, 1854, chap. 267.

† Chap. 85.

‡ Chap. 8.

SEC. 5. That where any company, battalion or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service.

[*Approved, March 22, 1852.*]

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CHAPTER 81.—Approved, August 6, 1852.—Vol. 10, p. 29.

An Act making appropriations for the Support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes.

SEC. 2. That hereafter the assistant professors of French and drawing shall receive the pay and emoluments allowed to other assistant professors.

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CHAPTER 110.—Approved, Aug. 31, 1852.—Vol. 10, p. 107.

An Act making appropriations for the Support of the Army for the year ending the thirtieth of June, eighteen hundred and fifty-three.

2. Transfers of appropriations forbidden except in certain cases. Appropriations of this act not to be applied to expenses incurred before July 11, 1852.

5. Ration for paymasters' clerks.  
7. Settlement of accounts of military contributions in Mexico. 1849, chap. 126.

SEC. 2. That all acts\* or parts of acts authorizing the President of the United States, or the secretary of the proper department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that department, to be applied to another branch of expenditure in the same department, be, and are hereby, so far as relates to the department of war, repealed; and no portions of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the army, for forage, for the medical and hospital departments, and for the quartermaster's department, to be applied to any other of the above-mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year, shall not be transferred to any other object, after the expiration of that year.

[SEC. 3. Extra pay of the army in Oregon, and California, and New Mexico. 1850, chap. 78.]

SEC. 5. That paymasters' clerks shall be entitled to receive one ration per day when on duty at their stations, to be commuted at the price now authorized when travelling on duty.

[SEC. 6. Pay and equipment of Fremont's mounted riflemen. Board of army officers† appointed for settlement of claims for supplies therefor.]

SEC. 7. That the second section of an act entitled "An act‡ to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved March third, eighteen hundred and forty-nine, shall be so construed as to extend to officers and other persons who were engaged in the collection of military contribu-

\* 3 Mar. 1809, chap. 20; 31 Aug. 1842, chap. 186, and see Aug. 31, 1852, ch. 109, vol. 10, p. 100.

† Board abolished 1856.

‡ Chapter 126.

tions as collectors in any part of Mexico or California, during the war with Mexico.

[SEC. 18. Examination of Blue Lick Springs, as a site for a military asylum. 1851, chap. 25.]

[*Approved, August 31, 1852.*]

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CHAPTER 41.—Approved, Feb. 3, 1853.—Vol. 10, p. 154.

An Act to continue Half-Pay to certain Widows and Orphans.

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| <p>1. Half-pay granted by acts of 1848, chap. 108, or 1836, chap. 362, or 1849, chap. 62, continued for five years. Provisoos. Act of 1849, chap. 62, extended</p> | <p>to the widows and heirs of those engaged in the war of 1812, &amp;c.<br/>2. Pensions of widows of revolutionary soldiers.</p> |
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SEC. 1. That all widows and orphans who were granted and allowed five years half-pay by the provisions of the act\* approved the twenty-first day of July, one thousand eight hundred and forty-eight, entitled "An act amending the act† granting half-pay‡ to widows or orphans where their husbands or fathers have died of wounds received in the military service of the United States, in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, one thousand eight hundred and thirty-six," or an act approved the twenty-second day of February, one thousand eight hundred and forty-nine, entitled "An act granting five years half-pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," be and they are hereby granted a continuance of said half-pay, under like limitations and restrictions, for a further period of five years, to commence at the expiration of the half-pay provided for by the aforesaid acts: *Provided, § however,* That in case of the death or marriage of such widow before the expiration of said term of five years, the half-pay for the remainder of the term shall go to the child or children of the deceased officer or soldier, whilst under the age of sixteen years; and

\* Chap. 108.

† See 4 July, 1836, chap. 362, sec. 8.

‡ Chap. 62.

§ See 5 Aug., 1854, chap. 267, sec. 1.

in like manner, the child or children of such deceased, when there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *And provided, further*, That no greater sum shall be allowed in any case to the widow or the child or children of any officer than the half-pay of a Lieutenant Colonel: *And provided further*, That the act approved the twenty-second of February, eighteen hundred and forty-nine, "granting five years half-pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regular and volunteer," be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of eighteen hundred and twelve, and of the various Indian wars since seventeen hundred and ninety.

SEC. 2. That the widows of all officers, non-commissioned officers, musicians, and privates of the Revolutionary army, who were married subsequent to January, anno Domini eighteen hundred, shall be entitled to a pension in the same manner as those who were married before that date.

[*Approved, February 3, 1853.*]

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#### CHAPTER 58.—Approved, Feb. 3, 1853.—Vol. 9, p. 154.

An Act for the Relief of Brevet Brigadier-General Bennett Riley, and to enable him to settle his Accounts with the United States.

SEC. 1. Provisions of Act 1849, ch. 126, to be applied to accounts of General Riley. Said Riley to pay into the Treasury any balance in his hands.

SEC. 2. Said Riley to be allowed his expenses respecting the constitutional convention in California and in relief of over-land emigrants and supporting the government. Proviso: if approved by President.

SEC. 3. Compensation of said Riley  $1\frac{1}{2}$  per ct. only.

SEC. 4. Suits against said Riley respecting money collected by him in California to be defended by the United States.

CHAPTER 97.—Approved, March 3, 1853.—Vol. 10, p. 189.

An Act making Appropriations for the Civil and Diplomatic Expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four.

SEC. 4. That hereafter the annual compensation of the Secretary of \* \* \* \* War \* \* \* \* shall be eight thousand dollars.

CHAPTER 98.—Approved, March 3, 1853.—Vol. 10, p. 214.

An Act making appropriations for the Support of the Army, for the year ending thirtieth of June, one thousand eight hundred and fifty-four.

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| 1. Salary of certain military store-keepers. | contributions in Mexico, 1852, ch. 110.               |
| 5. Settlement of accounts of military        | 9. Promotion in the corps of topographical engineers. |

SEC. 1. For pay of the army, &c. *Provided*, That the salary of the military storekeepers of the ordnance department in Oregon, California, and New Mexico, shall hereafter be one thousand two hundred and fifty dollars per annum.\*

[SEC. 2. Civil superintendence of armories to be contracted with military. Useless arsenals may be abolished.

SEC. 3. Secretary of war to report as to providing arms by contract.]

SEC. 5. That the provisions of the seventh section of the act approved August thirty-first, eighteen hundred and fifty-two, entitled "An act making appropriations for the support of the army for the year ending the thirtieth day of June, one thousand eight hundred and fifty-three," shall be construed to extend to all persons who were engaged as receivers of military contributions in Mexico or California, during the war with Mexico.

[SEC. 6. Extra pay of mounted riflemen on the Oregon route. 1850, chap. 78.]

\* By act 21 Feb. 1857, \$1500, with fuel and quarters in kind and in kind only.

SEC. 9. That whenever any lieutenant of the corps of engineers, corps of topographical engineers, or ordnance corps, shall have served fourteen years continuous service as lieutenant, he shall be promoted to the rank of captain: *Provided*, That the whole number of officers in either of said corps shall not be increased beyond the number now fixed by law: *And provided further*, That no officer shall be promoted before those who rank him in his corps.

[SEC. 10. Survey of a railroad route to the Pacific provided for and how organized.

SEC. 14. \$1000 appropriated to Western Military Asylum.]

[*Approved, March 3, 1853.*]

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CHAPTER 54.—Approved, May 10, 1854.—Vol. 10; p. 276.

An Act making appropriations for the Support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

SEC. 2. That the compensation of master of the sword be twelve hundred dollars per annum.\*

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CHAPTER 60.—Approved, May 31, 1854.—Vol. 10, p. 294.

An Act to supply Deficiencies in the Appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four, and for other purposes.

[Compensation of civilians and military men appointed under act 1853, chap. 98. *Provided*, That in the payment of such officers of the army as may have served on that commission, their pay, as such officers, shall be deducted:]

\* Made \$1500 by act 16 Feb. 1857.

CHAPTER 247.—Approved, Aug. 4, 1854.—Vol. 10, p. 575.

An Act to increase the Pay of the Rank and File of [the] Army, and to encourage Enlistments.\*

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| 1. Pay of rank and file increased.                                     | mended for promotion under act of 1847, chap. 61, sec. 17. Bounty to officers. |
| 2. Bounty for re-enlistments.  |  |
| 3. Bounty for meritorious soldiers, in the Mexican war, who re-enlist. |  |
| 4. Non-commissioned officers recom-                                    |  |
|  | 5. Promotion of non-commissioned officers.                                     |
|  | 6. Allowance for fatigue duty.   |

SEC. 1. That the pay of the non-commissioned officers, musicians, and privates of the army of the United States, shall be increased at the rate of four dollars per month, and to continue for the term of three years from and after the first day of January next, and until otherwise fixed by law.

SEC. 2. That every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, re-enlist, shall be entitled to two dollars per month, in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years; so long as he shall remain continuously in the army; and that soldiers now in the army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

SEC. 3. That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the service.

SEC. 4. That non-commissioned officers, who, under the authority of the seventeenth section of the act† approved March third, eighteen hundred and forty-seven, were recommended for promotion by brevet to the lowest grade of

\* This act was construed not to embrace ordnance men, but see act 3 March, 1857, chap. 106, sec. 8.

† Chap. 61, sec. 17.



commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

SEC. 5. That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers, as may, under regulations to be established, be brought before an army board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers; and to attach them to regiments, as supernumerary officers, according to the provisions of the fourth section of the act approved April twenty-ninth, eighteen hundred and twelve, entitled "An act\* making further provision for the corps of engineers."

SEC. 6. That the allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, authorized by the act approved March second, eighteen hundred and nineteen,† entitled "An act to regulate the pay of the army when employed on fatigue duty," be increased to twenty-five cents per day for men employed as laborers and teamsters, and forty cents per day when employed as mechanics, at all stations east of the Rocky Mountains, and to thirty-five cents and fifty-cents per day, respectively, when the men are employed at stations west of those mountains.

[*Approved, August 4, 1854.*]

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CHAPTER 248.—Approved, Aug. 4, 1854.—Vol. 9, p. 576.

An Act to Repeal the first proviso of the fourth section of the act entitled "An Act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty. ‡

THAT the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers

\* 1812, chap. 72.

† Chap. 45.

‡ Re-enacted the next day.

and soldiers who have been engaged in the military service of the United States," approved September twenty-eight, one thousand eight hundred and fifty, be, and the same is hereby repealed.

[*Approved, August 4, 1854.*]

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CHAPTER 267.—Approved, August 5; 1854.—Vol. 10, p. 576.

An Act making appropriations for the Support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

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|--------------------------------------|------------------------------------|
| 1. Superintendency of armories.      | on claims of widows, under acts of |
| 3. Effect of subsequent marriage up- |                                    |

1850, ch. 85; 1852, ch. 19; 1853, ch. 41.

SEC. 1. For the manufacture of arms at the national armories, &c. *Provided*, That so much of all laws heretofore passed, which authorized the appointment of military officers to superintend the operations at the national armories, be, and the same is hereby repealed; and from and after the passage of this act, it shall be the duty of the President of the United States, by and with the advice and consent of the senate, to appoint a competent and well qualified civilian as superintendent at each of said armories.

SEC. 3. That the act approved September twenty-eight, one thousand eight hundred and fifty, entitled "An act\* granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March twenty-second, one thousand eight hundred and fifty-two, entitled "An act† to make land warrants assignable and for other purposes," and the act approved February third, one thousand eight hundred and fifty-three, entitled "An act‡ to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow from the benefits therein granted for the services of her husband, though she may have married again: *Provided, however*, That the applicant is a widow at the time of making the claim: *Provided*, Such party shall not receive pension during coverture.

[SEC. 4. Fremont's volunteers in Mexican war to have benefit of certain acts of Congress.]

\* Chap. 85.

† Chap. 19.

‡ Chap. 41.

RESOLUTION 1.—Approved, Jan. 14, 1854.—Vol. 10, p. 591.

Joint Resolution of Thanks to General John E. Wool.

[Thanks of Congress given to General Wool. \*Sword to be given to him. Resolutions to be transmitted to General Wool.]

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CHAPTER 126.—Approved, Feb. 28, 1855.—Vol. 10, p. 615.

An Act making appropriations for the Payment of Invalid and other Pensions of the United States, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.

3. Widows of marines and mariners in the revolutionary war. 1853, chap. 41.

SEC. 3. That the widows of the officers, non-commissioned officers, marines or mariners who served in the navy of the United States during the revolutionary war, and who were married since the first day of January, eighteen hundred, shall be entitled to pensions in the same manner and to the same extent as the widows of the officers and soldiers of the army of the revolution, under the second section of the act of February third, eighteen hundred and fifty-three.

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CHAPTER 169.—Approved, March 3, 1855.—Vol. 10, p. 635.

An Act making appropriations for the Support of the Army, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.

7. Distribution of arms to the states.   8. Additional regiments to be raised.
1808, chap. 55. Proviso.   Pensions.

[SEC. 2. Board established under act of 1852, chap. 110, sec. 6,† abolished. Appointment of officers during recess authorized by this act.

SEC. 4. \$30,000 for camels and dromedaries.

\* \$1500 appropriated for this sword—see vol. 10, p. 581.

† Chap. 110, sec. 7.

SEC. 5. Extra pay to troops at Fort Laramie and to the escort of the Mexican boundary commission. 1850, chap. 78. 1853, chap. 98.

SEC. 6. Extra pay of chaplains in California. 1850, chap. 78.]

SEC. 7. That the annual distribution of arms to the several states, under the act approved April twenty-third, eighteen hundred and eight, entitled "An act\* making provision for arming and equipping the whole body of the militia of the United States," shall be hereafter made according to the number of their representatives and senators in Congress, respectively; and that arms be distributed to the territories and the District of Columbia, in such quantities and under such regulations as the President, in his discretion, may prescribe: *Provided*, That the secretary of war shall first equalize, as far as practicable, the number of arms heretofore distributed and now in possession of the several states, so that each state which has received less than its pro rata share shall receive a number sufficient to make an equal pro rata proportion for all the states, according to the present number of their representatives and senators in Congress, respectively.

SEC. 8. That there shall be added to the army two regiments of infantry and two regiments of cavalry, organized as in the existing force; and there shall be appointed by the President, by and with the advice and consent of the senate, one brigadier-general, and that the officers and men authorized by this act shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the army of the United States. They shall be subject to the rules and articles of war, and the men shall be recruited in the same manner as other troops, and with the same conditions and limitations.

[*Approved, March 3, 1855.*]

CHAPTER 175.—Approved, March 3, 1855.—Vol. 10, p. 643.

An Act making appropriations for the Civil and Diplomatic Expenses of Government for the year ending June 30th, 1856, and for other purposes.

1. Building in Washington for preservation of trophies, &c. and of arms of troops of District of Columbia.

SEC. 1. \* \* \* \* \* And the Secretary of war be, and he hereby is, directed to cause to be constructed on such site, in a central position on the public grounds, in the city of Washington, as may be selected by the President of the United States, a suitable building for the care and preservation of the ordnance, and arms, and accoutrements of the United States, required for the use of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the revolutionary and other wars, and for the deposit of newly-invented and model arms, for the military service, the said ordnance and arms, and the building to be used by the volunteers and militia of the District of Columbia, under such regulations as may be prescribed by the President, and for the purpose of carrying this act into effect, the sum of thirty thousand dollars\* be, and the same hereby is, appropriated out of any money in the treasury not otherwise appropriated.

CHAPTER 199.—Approved, March 3, 1855.—Vol. 10, p. 682.

An Act to organize an Institution for the Insane of the Army and Navy, and of the District of Columbia, in the said District.

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| <ol style="list-style-type: none"> <li>1. Government hospital for the insane. Its object.</li> <li>2. Board of visitors. Their power and duties.</li> </ol> | <ol style="list-style-type: none"> <li>3. Superintendent. Salary. Duties.</li> <li>4. Reception of insane on order of secretary, &amp;c.</li> </ol> |
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SEC. 1. That the title of the institution shall be the Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of

\* \$7,827 more appropriated by act chap. 106, March 3, 1857.

the insane of the army and navy of the United States, and of the District of Columbia.\*

SEC. 2. That nine citizens of the District of Columbia, to be appointed by the President of the United States, shall constitute a board of visitors of the said hospital. The term of office of three of the nine visitors shall expire [the] thirtieth day of June, eighteen hundred and fifty-seven, and biennially thereafter on the same day of the year, when they shall be reappointed, or three other citizens appointed in their stead. The order in which the terms of office of the first nine appointees shall expire shall be determined by lot; and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by appointment for the unexpired term of such visitor. The board of visitors, subject to the approval of the secretary of the interior, may make any needful by-laws for the government of themselves and of the superintendent, and his employees, and of the patients, not inconsistent with this act, nor with the constitution and laws of the United States; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations, that the government and community may have confidence in the correctness of its management; they shall make annually to the secretary of the interior a report for the preceding year ending June thirtieth, setting forth the condition and wants of the institution. The board shall elect one of their number president, who shall preside at their meetings for one year, or till a successor is elected. The office of visitor shall be honorary and without compensation.

SEC. 3. That the chief executive officer of the institution shall be a superintendent, to be appointed by the secretary of the interior, and to receive a salary of two thousand five hundred dollars per annum. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on

\* See Chapter 36, 1857.

the premises, and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employees in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex officio secretary of the board of visitors; and he shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by the secretary of the interior.

SEC. 4. That the order of the secretary of war, and that of the secretary of the navy, shall authorize the superintendent to receive insane persons belonging to the army and navy, respectively, and keep them in custody till they are cured, or removed by the same authority which ordered their reception.

[SEC. 5. Residents of District of Columbia entitled to privileges of the hospital.

SEC. 6. Private patients may be received.]

[*Approved, March 3, 1855.*]

## CHAPTER 207.—Approved, March 3, 1855.—Vol. 10, p. 701.

An Act in addition to certain acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.

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| 1. Additional grant of bounty lands to soldiers, sailors, &c. Deserters, &c. excepted. Wagon-masters and teamsters included. | 5. Where warrants may be located.                                 |
| 2. Provision for widows and children.  | 7. Indians included.  |
| 3. Fourteen days services required, except where claimant was in a battle.   | 8. Revolutionary soldiers included.                               |
| 4. Warrants, &c. made assignable.  | 9. Also volunteers at Plattsburg, King's Mountain, and Nickojoek. |
|  | 10. Also to chaplains.  |
|  | 11. Also to the volunteers at Lewistown, Del.                     |

SEC. 1. That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and

every officer, commissioned and non-commissioned, seaman, ordinary seamen, flotilla-man, marine, clerk, and landsman in the navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, and each of the survivors of the militia, or volunteers, or state troops of any state or territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States, shall be entitled to receive a certificate or warrant from the department of the interior for one hundred and sixty acres of land; and where any of those who have so been mustered into service and paid shall have received a certificate or warrant, he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster-rolls of his regiment or corps that he deserted, or was dishonorably discharged from service: *Provided further*, That the benefits of this section shall be held to extend to wagon-masters and teamsters who may have been employed, under direction of competent authority in time of war in the transportation of military stores and supplies.

SEC. 2. That in case of the death of any person who, if living, would be entitled to a certificate or warrant as aforesaid under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land that such deceased person would be entitled to receive under the provisions of this act, if now living: *Provided*, That a subsequent marriage shall not impair the right of any such widow to such warrant if she be a widow at the time of making her application: *And provided, further*, That those shall be considered minors who are so at the time this act shall take effect.

SEC. 3. That in no case shall any such certificate or war-



rant be issued for any service less than fourteen days, except where the person shall actually have been engaged in battle, and unless the party claiming such certificate or warrant shall establish his or her right thereto by record evidence of said service.

SEC. 4. That said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs-at-law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty land warrants.

SEC. 5. That no warrant issued under the provisions of this act shall be located on any public lands, except such as shall at the time be subject to sale at either the minimum or lower graduated prices.

SEC. 7. That the provisions of this act, and all the bounty land laws heretofore passed by Congress, shall be extended to Indians, in the same manner, and to the same extent, as if the said Indians had been white men.

SEC. 8. That the officers and soldiers of the revolutionary war, or their widows or minor children, shall be entitled to the benefits of this act.

SEC. 9. That the benefits of this act shall be applied to and embrace those who served as volunteers at the invasion of Plattsburg, in September, eighteen hundred and fourteen; also at the battle of King's Mountain, in the revolutionary war, and the battle of Nickojock, against the confederated savages of the south.

SEC. 10. That the provisions of this act shall apply to the chaplains who served with the army, in the several wars of the country.

SEC. 11. That the provisions of this act be applied to those who served as volunteers at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve—fifteen.

[*Approved, March 3, 1855.*]

CHAPTER 208.—Approved, March 3, 1855.—Vol. 10, p. 703.

An Act making appropriations for the Support of the Military Academy, for the year ending the thirtieth of June, eighteen hundred and fifty-six.

SEC. 2. That hereafter the yearly allowance of the professor of French and Spanish, and of the professor of drawing, shall be the same as is now allowed\* to the other professors.

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RESOLUTION 9.—Approved, Feb. 15, 1855.—Vol. 10, p. 723.

A Resolution authorizing the President of the United States to confer the title of Lieutenant-General by Brevet, for eminent services.

THAT the grade of lieutenant-general be, and the same is hereby, revived† in the army of the United States, in order that when, in the opinion of the President and senate, it shall be deemed proper to acknowledge eminent services of a major-general of the army in the late war with Mexico, in the mode already provided for in subordinate grades, the grade of lieutenant-general may be specially conferred by brevet, and by brevet only, to take rank from the date of such service or services: *Provided, however,* That when the said grade of lieutenant-general by brevet shall have once been filled, and have become vacant, this joint resolution shall thereafter expire and be of no effect.

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CHAPTER 14.—Approved, April 5, 1856.—Vol. 11, p. 3.

An Act making appropriations for the Payment of Invalid and other Pensions of the United States for the year ending the thirtieth of June, eighteen hundred and fifty-seven.

[So much of acts of 1828, chap. 53; 1832, chap. 126; part of 1848, chap. 155, as provides for payment out of any money not otherwise appropriated, be repealed.]

\* \$2,000 by 3 March, 1851, chap. 22.

† The appointment of lieutenant-general had been provided for by act of 28 May, 1798, chap. 47, and repealed by 3 March, 1799.

[For pay and emoluments of lieutenant-general, see 3 March, 1857, chapter 106, sec. 16, p. 205.]

## CHAPTER 26.—Approved, May 14, 1856.—Vol. 11, p. 8.

An Act to amend the act in addition to certain acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States, approved March third, eighteen hundred and fifty-five.

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| <p>1. Former evidence of right to bounty land to be received in certain cases. Proviso.</p> <p>2. Former evidence of right to a pension to be received in certain cases on application for bounty land. Rights of widows and children. Proviso: the commissioner of pensions to be satisfied. &amp;c.</p> <p>3. So much of act of 1855, chap. 207, as requires record evidence of service, repealed. Parol evidence of service</p> | <p>may be received where no record evidence exists</p> <p>4. Act of 1855, chap. 207, sec. 8, extended to naval officers, &amp;c. in revolutionary war, and their widows, &amp;c.</p> <p>5. Act of 1855, chap. 207, extended to volunteers who were not mustered into service.</p> <p>6. Same subject.</p> <p>7. Allowance of time of service for distance from home to place of muster or discharge. Proviso.</p> |
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SEC. 1. That in all cases where a certificate or warrant for bounty land for any less quantity than one hundred and sixty acres, shall have been issued to any officer or soldier, or to the widow or minor child or children of any officer or soldier, under existing laws, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child or children, for a certificate or warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, on proof of the identity of such officer or soldier, or in case of his death, of the marriage and identity of his widow, or in case of her death, of the identity of his minor child or children: *Provided, nevertheless,* That if, upon a review of such evidence, the commissioner of pensions shall not be satisfied that the former certificate or warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2. That in all cases where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty land

under existing laws; and upon proof of his identity as such pensioner, a certificate or warrant may be issued to him for the quantity of land to which he shall be entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a certificate or warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow, and in case of the death of such officer or soldier, leaving a minor child or children and no widow, or where the widow may have deceased before the issuing of any certificate or warrant, such minor child or children shall be entitled to a certificate or warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother: *Provided, nevertheless,* That if, upon a review of such evidence, the commissioner of pensions shall not be satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 3. That so much of the third section of the "Act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March third, eighteen hundred and fifty-five, as requires the party claiming a certificate or warrant, under the provisions of said act, to establish his or her right thereto, by record evidence of the service for which such certificate or warrant has been or may be claimed, be, and the same is hereby, repealed, and parol evidence, where no record evidence exists, may be admitted to prove the service performed, under such rules and regulations as the commissioner of pensions may prescribe.

SEC. 4. That the eighth section of the act above mentioned, approved the third day of March, in the year eighteen hundred and fifty-five, shall be construed as embracing officers, marines, seamen, and other persons engaged in the naval service of the United States during the revolutionary war, and the widows and minor children of all such officers, marines, seamen, and other persons engaged as aforesaid.

SEC. 5. That the provisions of the said act shall extend to all persons who have served as volunteers with the armed forces of the United States, subject to military orders, for the space of fourteen days, in any of the wars specified in the first section of the said act, whether such persons were or were not mustered into the service of the United States.

SEC. 6. That the widows and minor children of all such persons as are specified in the last preceding section of this act, and are now dead, shall be entitled to the same privileges as the widows and minor children of the beneficiaries named in the act to which this is an amendment.

SEC. 7. That when any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service: *Provided*, That such march was in obedience to the command or direction of the President of the United States, or some general officer of the United States, commanding an army or department, or the chief executive officer of the state or territory by which such company, battalion, or regiment was called into service.

[*Approved, May 14, 1856.*]

CHAPTER 73.—Approved, August 1, 1856.—Vol. 11, p. 29.

An Act for the Relief of the Widows and Orphans of the Officers, Seamen and Marines of the United States sloop-of-war Albany, and for other purposes.

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| 1. Times of commencement of pensions of officers, &c. of the Albany and Porpoise. | 2. Additional pay to the relatives of officers, seamen, &c. |
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SEC. 1. That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service, who were lost in the United States sloop-of-war Albany, as well as the time to which the pay of said officers, seamen, marines, and others in service shall be allowed, the eighteenth day of April, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the said sloop-of-war Albany foundered at sea; and that, for the like purposes, the twenty-ninth day of June, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the United States brig Porpoise was lost in like manner.

SEC. 2. That the widow, or child, or children, and in case there be no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there are no parents, the brothers and sisters, of the officers, seamen, marines, and others in service, who were lost in said sloop-of-war Albany and brig Porpoise, including captain's clerk and assistant draughtsman, shall be entitled to and receive out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessels respectively.

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CHAPTER 162.—Approved, Aug. 18, 1856.—Vol. 11, p. 102.

An Act making appropriations for the Legislative, Executive, and Judicial Expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-seven.

SEC. 5. That the pay of the marines in the service of the

United States who compose the corps of musicians known as the "Marine Band," stationed at the navy yard in Washington city, be and the same is hereby increased at the rate of four dollars per month, commencing on the first of May last, and to continue as long as they shall perform by order of the secretary of the navy or other superior officer on the capitol grounds or the President's grounds.

• [Approved, August 18, 1856.]

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CHAPTER 36.—Approved, Feb. 7, 1857.—Vol. 11, p. 157.

An Act supplementary to an Act to organize an Institution for the Insane of the Army and Navy, and of the District of Columbia, in the said District, approved March third, eighteen hundred and fifty-five.

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| <p>1. No insane person not charged with a breach of the peace, to be confined in the jail or penitentiary. 1855, ch. 199.</p> <p>2. How admission to the asylum is to be obtained for insane persons, residents of the District of Columbia.</p> <p>3. Police officers, &amp;c., may assist in conveying insane persons there. Expenses.</p> | <p>4. Admission of non-resident insane persons.</p> <p>5. Insane persons charged with crime, admission of.</p> <p>6. Insane criminals, admission of.</p> <p>7. Notice to be given of their return to sanity.</p> <p>8. Admission of independent or pay patients.</p> <p>9. Release of patients on giving bond.</p> |
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SEC. 1. That no insane person not charged with any breach of the peace shall, ever hereafter, be confined in the United States jail, or in the United States penitentiary, in this District.

SEC. 2. That the Secretary of the Interior shall have power to grant his order for the admission into the government hospital for the insane, any insane person unable to support himself or herself and family, (or himself, or herself if he or she have no family,) under the visitation of insanity, who resided in the District at the time he or she became insane, and who is not charged with any breach of the peace, upon the certificate of any judge of the circuit or criminal court, or any justice of the peace of the District, stating that two respectable physicians appeared before said

judge or justice and certified under oath, and under their hands, that they knew the party alleged to be insane, and that they believed him or her to be a fit subject for treatment in such hospital; also stating that two respectable householders, residents of the District, appeared before him and certified under oath, and under their hands, that they knew the party alleged to be insane and indigent, that he or she was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored, and that he or she was unable to pay his or her board and other expenses therein; and the certificate of such physicians, and the certificate of such householders shall accompany the certificate of such judge or justice. The application of [to] the Secretary of the Interior for his order for the admission of said indigent insane person into the said hospital must be made within five days after the examination of the witnesses before the said judge or justice of the peace, before such proceedings shall be had before such judge or justice.

SEC. 3. That the order of the Secretary of the Interior, granted under the authority of the second section of this act, shall authorize any police officer or constable to assist in carrying such indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before said judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his or her friends, or by the local authorities of the District.

SEC. 4. That any indigent insane person who did not reside in the District at the time he or she became insane, may in like manner as provided in the second section of this act, be admitted into the said hospital upon the application of the corporate authorities of the city of Washington, or of Georgetown, and at the expense of either of the said cities during the continuance of said insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the authorities aforesaid can discover who his or her friends



are, or whence he or she came, with a view to the return of such person to such friends, or to the place of his or her residence, and thus relieve said corporate authorities of the expense and charge of said indigent insane non-resident.

SEC. 5. That if any person, charged with crime, be found in the court before which he or she is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in said hospital, and if he or she be not indigent, he or she and his or her estate shall be charged with expenses of his or her support in said hospital.

SEC. 6. That any person becoming insane during the continuance of his or her sentence in the United States penitentiary, shall have the same privilege of treatment in the hospital during the continuance of his or her mental disorder as is granted in section five to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his or her character as to render his or her custody in the hospital insecure, and his or her example pernicious.

SEC. 7. That when any person confined in said hospital, charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him or her to said court in obedience to the proper precept.

SEC. 8. That the independent or pay patients may be received into the hospital on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him or her to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he or she may remain until restored to reason: *Provided*, The friends of

the patient comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

SEC. 9. That if any person will give bond, with sufficient security, to be approved by the criminal court, or circuit court, or any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may, in its discretion, deliver such insane person to the party giving such bond.

[*Approved, February 7, 1857.*]

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CHAPTER 45.—Approved, Feb. 16, 1857.—Vol. 11, p. 160.

An Act making appropriations for the Support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and fifty-eight.

SEC. 2. That there shall be appointed at the Military Academy, in addition to the professors authorized by the existing laws, a professor of Spanish, at a salary of two thousand dollars per annum.

SEC. 3. That the compensation of the master of the sword be fifteen hundred dollars per annum with fuel and quarters.

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CHAPTER 55.—Approved, Feb. 21, 1857.—Vol. 11, p. 163.

An Act to increase the Pay of the Officers of the Army.

SEC. 1. That from and after the commencement of the present fiscal year, the pay of each commissioned officer of the army, including military storekeepers, shall be increased twenty dollars per month, and that the commutation price of officers' subsistence shall be thirty cents per ration.

SEC. 2. That the secretary of war be authorized, on the recommendation of the council of administration, to extend the additional pay herein provided to any person serving as chaplain, at any post of the army.

CHAPTER 106.—Approved, March 3, 1857.—Vol. 11, p. 200.

An Act making Appropriations for the Support of the Army for the year ending June 30, 1858.

2. Five additional military storekeepers. Pay of storekeepers. Bond and security, &c.	ject to taxation after sale. Provide: right of the state to tax, &c.
3. Pay of master armorers.	16. Construction of the joint resolution, authorizing the title of lieutenant general. Vol. 10, p. 723. Secretary of lieutenant general and aids.
4. Act of 1819, ch. 188, as to sale of sites, extended. Such sites to be sub-	

SEC. 2. That there shall be added to the quartermaster's department of the army five military storekeepers, who shall give the bond and security required by the existing law; and they and all other military storekeepers shall have in kind, and in kind only, the fuel and quarters of first lieutenant of the army.

SEC. 3. That the master armorers at the national armories shall receive fifteen hundred dollars each per annum.

SEC. 4. That the provisions of the act approved March third, eighteen hundred and nineteen, entitled "An act authorizing the sale of certain military sites," be and they are hereby extended to all military sites, or to such parts thereof which are or may become useless for military purposes: *Provided, nevertheless,* That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in any wise the right of the State within which any such site or reservation may be situated to impose taxes on the same, in like manner as upon other lands or property owned by individuals within the State after such sale.

[SEC. 8. Act of 1854, ch. 247, increasing pay, to include all enlisted men.

SEC. 10. Western Military Asylum to be abolished, and site, &c., to be sold, and proceeds restored to the fund.]

SEC. 16. That the joint resolution, approved February fifteen, eighteen hundred and fifty-five, "authorizing the President of the United States to confer the title of lieutenant-general by brevet," shall be so construed from and after March twenty-ninth, eighteen hundred and forty-seven, in favor of the brevet-lieutenant general appointed under

said act, while exercising command according to that rank, as to entitle him to the pay, allowances, and staff specified in the fifth section of the act, approved May twenty-eight, seventeen hundred and ninety-eight, "authorizing the President to raise a provisional army," and also the allowances described in the sixth section of the act approved August twenty-third, eighteen hundred and forty-two, "granting additional rations to certain officers:" *Provided, however, and it is hereby declared,* That the brevet lieutenant-general shall not, except in time of war, be entitled to more than two aids and one secretary; nor shall this act, nor the above-mentioned resolution of the fifteenth of February, eighteen hundred and fifty-five, have any retrospective effect in regard to those who were the aids or staff of General Scott antecedently to his appointment to the rank of brevet lieutenant-general.

[*Approved, March 3, 1857.*]

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CHAPTER 114.—Approved, March 3, 1857.—Vol. 11, p. 249.

An Act to amend an act entitled "An act to provide for the better organization of the Treasury, and for the Collection, Safe-keeping, Transfer and Disbursement of the Public Revenue."

1. Disbursing officers required to deposit their moneys. How drawn out, &c.	3. All persons having money, to deposit the same and take duplicate receipts.
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SEC. 1. That the act\* to provide for the better organization of the treasury and for the collection, safe-keeping, transfer and disbursement of the public revenue, approved August sixth, eighteen hundred and forty-six, be, and the same is hereby so amended that each and every disbursing officer or agent of the United States, having any money of the United States entrusted to him for disbursement, shall be, and he is hereby, required to deposit the same with the treasurer of the United States, or with some one of the assistant treasurers or public depositories, and draw for the

\* Chapter 90.

same only in favor of the persons to whom payment is to be made in pursuance of law and instructions, except when payments are to be made in sums under twenty dollars, in which cases such disbursing agent may check in his own name, stating that it is to pay small sums.

[SEC. 2. Treasurer, assistant treasurer, and public depositories safely to keep moneys, &c.; failure to do so shall be treated as embezzlement.]

SEC. 3. That it shall be the duty of each and every person who shall have moneys of the United States in his hands or possession, to pay the same to the treasurer, the assistant treasurer or public depository of the United States, and take his receipt for the same in duplicate and forward one of them forthwith to the secretary of the treasury, and for a failure to make such deposit, when required by the secretary of the treasury or any other department or the accounting officers of the treasury, the person so failing shall be held guilty of the crime of embezzlement and subject to the punishment for that offence provided in the act to which this is an amendment.

[*Approved, March 3, 1857.*]

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#### CHAPTER 115.—Approved, March 3, 1857.—Vol. 11, p. 249.

An Act to extend the provisions of the act entitled "An act in addition to certain acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Services of the United States," to the Officers and Soldiers of Major David Bailey's battalion of Cook County (Illinois) Volunteers.

THAT all those officers and soldiers of Major David Bailey's battalion of Cook county (Illinois) volunteers stationed at Fort Dearborn, in the Black Hawk war of eighteen hundred and thirty-two, who have never received warrants for bounty land for services in said war, shall be entitled to receive a certificate or warrant from the department of the interior for one hundred and sixty acres of land, upon making proof either by record evidence or such parol evidence as the commissioner of pensions may require of hav-

ing served in said war for the term of at least fourteen days; the provisions of this act to extend to the widows and minor children of said officers and soldiers who have died or may die before receiving such warrant or certificate.

[*Approved, March 3, 1857.*]

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CHAPTER 119.—Approved, March 3, 1857.—Vol. 11, p. 252.

An Act to increase the Pay of the Cadets at the West Point Academy.

THAT the pay of the cadets at the Military Academy at West Point shall hereafter be thirty dollars per month.

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TWENTY-NINTH CONG., FIRST SESS., CH. 176, 1846.

CHAPTER 176.—Approved, August 10, 1846.—Vol. 9, p. 97.

An Act making appropriations for the Naval Service for the year ending on the thirtieth June, eighteen hundred and forty-seven.

[EXTRACT.]

SEC. 1. *Marine Corps*.—For pay of officers, &c. *Provided*, That no payment shall hereafter be made to the colonel or any other officer of said corps,\* by virtue of a commission of brigadier-general by brevet.†

\* Marine Corps.

† *This Act was accidentally omitted in its proper place.*

DUNLOP'S NOTES *referred to at the foot of page 77.*

This act is within the constitutional powers of Congress. 12 Wheat, 19-28, *Martin v. Mott*.

SEC. 1. The President is the exclusive judge of the exigency which authorizes the calling forth of the militia. 12 Wheat, 19-29.

And his calling forth is conclusive of the existence of such exigency. 12 Wheat; 32 Story, J.

SEC. 4. Those who disobey the call are not employed in the service so as to be liable to the articles of war. 5 Wheat, 1, 12, 19, *Houston v. Moore*; 12 Wheat, 19, 33-4, *Martin v. Mott*.

SEC. 5. But he is liable to court-martial under the 5th section. 5 Wheat, 1, *Houston v. Moore*; 12 *id.* 19-34, *Martin v. Mott*.

Convened, not under the articles of war which are prescribed for the army, but according to the customary usage of military service. 12 Wheat, 19-37.

It is not clear that the approval of the sentence by the President is necessary. 12 Wheat, 19-38.

The court is not terminated by a cessation of the war requiring the service. 12 Wheat, 19-39.

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## APPENDIX.

THIRTY-FIFTH CONG., FIRST SESS., CH. 13, 1858.

CHAPTER 13.\*—Approved, April 7, 1858.—Vol. 11, p. —.

An Act to provide for the organization of a regiment of mounted volunteers for the defence of the frontier of Texas, and to authorize the President to call into the service of the United States two additional regiments of volunteers.

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| 1. One regiment of mounted volunteers for the protection of the frontier of Texas. Organization, &c.   | ilar troops—subject to the same rules, &c. To serve for eighteen months.  |
| 2. Subject to rules of war; how armed; pay and allowances.   | 4. Not to be received in bodies less than a regiment. Quartermasters and commissaries to be detailed from the army. |
| 3. Two regiments authorized to quell disturbances in Utah, &c. Organization, &c. Pay and allowances. To be placed upon a footing with other sim- | 5. Pay, when to commence. To be allowed one day's pay, &c. for every 20 miles of travel.                            |

SEC. 1. That the President of the United States be authorized to receive into the service of the United States one regiment of Texas mounted volunteers, to be raised and organized by the State of Texas, for the defence and protection of the frontier thereof, to continue in service from the time that the whole regiment shall be mustered into service, for the term of eighteen months, unless sooner discharged by the President. Said regiment shall be composed of one colonel, one lieutenant colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster and commissary with similar rank, one surgeon and two assistant surgeons, one sergeant major, one quartermaster

\* This law was passed just as the work was ready for publication, which will account for its omission in the Contents, and its insertion as an Appendix.



and commissary sergeant, and ten companies—each of which shall be composed of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, one farrier, and seventy-four privates. Each of said officers below the rank of major—non-commissioned officers, musicians, farrier, and privates—shall furnish and keep himself supplied with a good serviceable horse and horse equipments, for the use and risk of which, in addition to the pay and allowances herein provided, he shall receive forty cents a day while in service with his horse; and if any non-commissioned officer, musician, farrier, or private shall, from carelessness or neglect, injure or render his horse unfit for service, and shall fail to supply a serviceable horse within the period of ten days from the loss, such soldier shall, from such time, until he shall furnish himself with a horse, be entitled only to the pay of a private of infantry.

SEC. 2. That the officers, non-commissioned officers, musicians, farriers, and privates of said regiment shall, when mustered into the service of the United States, be subject to the rules and articles of war. They shall be armed at the expense of the United States, as the President shall direct. They shall be allowed the same pay, rations, and allowances in kind, including clothing, and be subject to the same rules and regulations as are provided for the regiments of cavalry now in the service, but no field officer shall receive forage for a greater number of horses than he may from time to time actually have in service. No pay or allowances shall be due until said regiment shall be received into the service, but each officer and man shall then be entitled to one day's pay and allowance for every twenty miles he may have been required to travel from his residence to the place of muster.

SEC. 3. That, for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontiers, the President of the United States be, and he is hereby, authorized to call for and accept the services of any number of volunteers, not to exceed in all two regiments, of

seven hundred and forty privates each; the same, or any portion thereof, to be organized into mounted regiments or infantry, as the President may deem proper, to serve for the term of eighteen months from the time of their being received into service, unless sooner discharged by the President. Said volunteers, if called for and received as mounted men, shall be constituted in the same manner as is provided in the first section of this bill for the Texas regiment of mounted volunteers, and shall receive the same pay and allowances, shall be subject to the same rules and regulations as are provided in this bill for said corps; and if called for, and if received as infantry, they shall be placed on the same footing in every respect with the infantry regiments now in the service, shall receive the same pay and allowances, and be governed by the same rules and regulations; and the said regiments, whether organized as mounted men or infantry, shall be subject to the rules and articles of war.

SEC. 4. That the volunteers provided for by this act shall not be accepted in bodies of less than one regiment, whose officers shall be appointed in the manner prescribed by law in the several States or Territories to which said regiments shall respectively belong, except the quartermasters and commissaries, who shall be detailed from their respective departments of the regular army of the United States.

SEC. 5. That the pay of said volunteers shall not be due until received into the service, but each officer and man shall then be entitled to one day's pay for every twenty miles he may have been required to travel from his residence to the place of muster.

[*Approved, April 7, 1858.*]

CHAPTER 125.\*—Approved, Aug. 16, 1856.—Vol. 11, p. 51.

An Act providing for a necessary Increase and better Organization of the Medical and Hospital Department of the Army.

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| <p>1. Four additional surgeons and 8 assistant surgeons to be appointed in the army.</p> <p>2. Steward hospital men to be appointed by secretary of war. Their</p> | <p>rank, pay, and emoluments same as a sergeant of ordnance, &amp;c.</p> <p>3. Soldiers acting as cooks and nurses in hospitals to be allowed extra pay. 1854, chap. 247, sec. 6.</p> |
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SEC. 1. That there be added to the medical department † of the army four surgeons and eight assistant surgeons, to be appointed in accordance with existing laws.

SEC. 2. That the secretary of war be, and he is hereby, authorized to appoint, from the enlisted men of the army, or to cause to be enlisted, as many competent hospital stewards as the service may require, not to exceed one for each military post. The said hospital stewards to be mustered and paid on hospital muster rolls, as non-commissioned staff officers, with the rank, pay, and emoluments of a sergeant of ordnance, and to be permanently attached to the medical and hospital department, under such regulations as shall be prescribed by the secretary of war.

SEC. 3. That soldiers acting as cooks and nurses in hospitals, be and are hereby allowed the extra pay authorized to soldiers on fatigue duty, by "An act to increase the pay of the rank and file of the army," approved August fourth, eighteen hundred and fifty-four.‡

\* *This chapter should have been inserted upon page 439: it is also omitted in the Contents, and not referred to in the Notes.*

† See pages 369 and 397.

Page 426 ante, sec. 6 of chap. 247.













